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Legislative Proposals for Health Disciplines Act



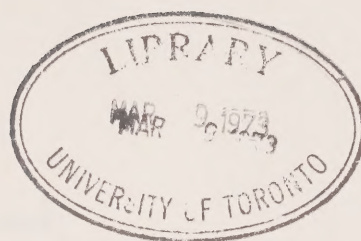
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ONTARIO DEPARTMENT OF HEALTH
10th FLOOR, HEPBURN BLOCK
PARLIAMENT BUILDINGS, TORONTO 5

June, 1972



Ontario Ministry of Health
Honourable Richard T. Potter, M.D., Minister

Legislative Proposals
for
Health Disciplines Act



June 1973



Public Health
Department of Health and Welfare
Ottawa, Ontario

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INTRODUCTORY

STATEMENT

INTRODUCTION

The legislative proposals for a Health Disciplines Act contained in this book are the result of a process which commenced in 1966 with the appointment of the Committee on the Healing Arts. The report of that Committee tabled in April 1970 has met with wide renown and established the blueprint for the regulation of the health disciplines which is contained in these proposals. A review of that report was undertaken by the Council of Health and in February 1971, the then Minister of Health, Honourable Thomas Wells, published the "Guiding Principles for the Regulation and Education of the Health Disciplines".

Since that time discussions have been held with representative groups of all the health disciplines concerned and drafts of legislation prepared.

However, due to the extensive nature of the legislation and large impact it will have on the health professionals, the government does not intend to proceed further with these proposals into Bill form until after the summer of 1972. This will permit the public and the professions to comment on these proposals and provide time for the development of the regulations which must accompany the legislation.

Government approval has only been given to Part 1 of the proposals; that is the Part proposing a Health Disciplines Board with responsibility over all the health professions, and setting the general framework for the regulation of the health disciplines.

The Parts following dealing with the establishment of Colleges for each of the health disciplines, are primarily the result of proposals made by existing regulatory bodies after considerable discussion with officials of the Ministry of Health. They incorporate as much as possible the recommendations of the reports already mentioned.

It should be noted, however, that some Parts do include proposals which in their present form would not necessarily be acceptable to the government. It was intended, however, that the groups concerned should have an opportunity to make their views known, and that over the summer further discussion can take place on these matters.

For example, the reports of the Council of Health's Task Force on Chiropractic and the Task Force on Chiropody, recommend a scope of practice for the groups referred to in these reports different from that in the legislative proposals.

At the same time changes have been in the original submissions of some groups at the request of the Ministry of Health to bring them closer to what might be accepted as a final draft.

These proposals will bring into one Act the legislation pertaining to all the health disciplines. At the same time it will make possible the provision of consistent procedures and requirements for these groups.

An increased emphasis is being placed on the need to ensure continuing competence of practitioners and to maintain high standards of practice. The governing bodies will be required to assume these new responsibilities, consistent with the belief that the health professions should continue to be essentially self-governing as long as they are carrying out their responsibilities effectively and with the safeguards of public representation.

It has become evident, particularly in the field of health care where the major costs of the education of the practitioners and of the services provided is now being borne by the public at large, that there will inevitably be a larger degree of public input into the governing of these professions. Public representation is therefore being included on the governing bodies of these groups, and the new Health Disciplines Board, entirely representative of the public interest, is given substantial authority over all of the colleges.

New procedures to deal with public complaints are provided for, and many of the recommendations of the Royal Commission on Civil Rights are being implemented with respect to the conduct of disciplinary actions against practitioners and hearings respecting an applicant's right to be registered under the Act.

The legislative proposals provide the basis to ensure the effective regulation and co-ordination of the activities of the health disciplines. They will provide greater protection to the public in the selection of health services and assist in the development of the most effective provision of health care in Ontario.

FORMAT OF THE PROPOSALS

The format commences with Part I which establishes the Health Disciplines Board, provides for its duties, establishes appeal procedures on registration, provides for a review procedure of complaints and provides for the procedures to be followed by Colleges with respect to disciplinary actions.

Subsequent parts relate to each of the health disciplines to be regulated under the Act and the parts are listed in alphabetical order by the name of the College. Each contains the following:

- (a) Interpretations
- (b) Establishment of College
- (c) Membership in College
- (d) Establishment of Council
- (e) Relationship of College to Board
- (f) Establishment of statutory committees
- (g) Composition and duties of committees
- (h) Prohibition against practice and exemptions
- (i) Prohibition against use of title and sanction
- (j) By-laws
- (k) Regulations

DISCIPLINES INCLUDED

The following groups of health practitioners are included in these proposals:

Audiologists	Nursing Assistants
Cardiology Technologists	Occupational Therapists
	Opticians
Chiropractors	Optometrists
Dental Hygienists	Orthopedic Technicians
Dental Technicians	Osteopaths
Dentists	Pharmacists
Electroencephalograph Technologists	Physicians
	Podiatrists
Health Record Librarians	Physiotherapists
Health Record Technicians	Radiological Technicians
Medical Laboratory Technologists	Remedial Gymnasts
Naturopaths	Remedial Masseurs
Nurses	Respiratory Technologists
	Speech Therapists

Dental Technologists as defined in the proposed Dental Technologist Licensing Act are not included in these proposals. It is expected that they will be brought within the Health Disciplines Act by the time it is introduced in the Legislature.

Those health practitioners primarily involved in the provision of mental health services are also not included. A Task Force of the Council of Health is studying this area and decisions respecting the regulation of these groups will await that report.

No mention is made of dieticians in these proposals although representatives of the Ontario Dietetic Association have indicated their interest in being included under this Act. Further consideration will be given to this request.

A number of groups are not included under Colleges but will be regulated by a Health Practitioners Registration Council. (See Part respecting Other Health Practitioners) The groups included in this Part are small in number or relatively new in the health field and it would be difficult for them to be regulated under separate colleges. In some cases, when their numbers increase, it could be possible for such groups to be established under a new College. As well other emerging groups in the health field could be added to those registered by this Council as appropriate.

QUESTIONS TO BE RESOLVED

There are still a number of questions to be resolved.

One of interest to a number of the health practitioners is the use of the title "Doctor". At the present time only physicians and dentists under this legislation are permitted to use this title in offering health services to the public. Other groups maintain that they also should be entitled to use this designation when they are the holder of a doctorate degree from a provincially supported educational institution, e.g. optometrists, nurses. Other groups such as osteopaths and podiatrists who receive doctorate degrees from institutions outside Canada and may be entitled to use the title "Doctor" in other jurisdictions maintain that this right should be granted in Ontario.

There are still questions to be resolved respecting the scope of practice to be permitted some groups. Already mentioned are podiatrists and chiropractors. In addition dental hygienists seek an expanding role as do physiotherapists. The definition for osteopathy has been limited to the present scope of practice which has not been agreed to by the osteopaths.

The College of Nurses ask for the right to prohibit persons not registered by the College from using the title "nurse" rather than "registered nurse", and the College of Pharmacy seeks a larger role in the regulation of pharmacies in addition to community pharmacies presently regulated by them. The question of the regulation of groups such as "Nurse Practitioners" or "Physicians Assistants" has not been finalized and both the College of Physicians and Surgeons and the College of Nurses have a keen interest in developments in these fields.

Some of these matters may not be resolved to the satisfaction of all interested parties at this time, but with the enactment of the legislation and the establishment of a Health Disciplines Board, there will be a means of bringing many of these issues to resolution on a continuous basis and a method to ensure that the health disciplines are effectively regulated and co-ordinated in the public interest.

The Minister of Health will welcome comments from the public and from the health professions as quickly as possible on these proposals. Such comments should be submitted as follows to:

Honourable Richard T. Potter, M.D.
Minister of Health
10th Floor
Hepburn Block
Queen's Park, Toronto

Attention: Health Disciplines Legislation.

P A R T I

G E N E R A L P A R T

The Health Disciplines Act, 1972

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

PART I

1.-(1) In this Act,

- (a) "Board" means the Health Disciplines Board;
- (b) "designated health discipline" means a health discipline to which a Part of this Act applies, including the disciplines listed in Schedule A;
- (c) "Minister" means the Minister of Health;
- (d) "regulations" means the regulations made under this Act.

(2) In this Part,

- (a) "College" means the corporate body of a designated health discipline or group of designated health disciplines as established for that discipline or group in a Part of this Act;
- (b) "complaint" means a complaint against a member of any designated health discipline respecting professional conduct or professional services rendered by such member;
- (c) "complaints committee" means the complaints committee of a designated health discipline or group of designated health disciplines as established for that discipline or group in a Part of this Act;

(d) "Council" means the governing body of a designated health discipline or group of designated health disciplines as established for that discipline or group in a Part of this Act;

(e) "discipline committee" means the discipline committee of a designated health discipline or group of designated health disciplines as established for that discipline or group in a Part of this Act;

(f) "registration" means the entry of a person on the records of a College as authorized to practice the appropriate designated health discipline or group of designated health disciplines, whether by registration, licensing or other certification, and "registered" has a corresponding meaning.

Administra-
tion of Act

2. The Minister is responsible for the administration of this Act.

Health
Disciplines
Board

3.-(1) There is hereby established a body to be known as the Health Disciplines Board.

Composition

(2) The Board shall be composed of not fewer than five and not more than seven members who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall designate one of the members of the Board to be chairman and one to be vice-chairman.

Disqualifi-
cation

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who has been registered under any Act governing a designated health

discipline, or who is registered under this Act shall be a member of the Board.

(4) The members of the first Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

(5) Every vacancy on the Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

(6) A majority of the members of the Board constitutes a quorum.

(7) The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

(8) The Board may prescribe and adopt a seal.

4.-(1) Subject to the approval of the Lieutenant Governor in Council, the Board shall appoint an executive officer who shall be a full time public servant and who shall be the chief administrative officer of the Board.

(2) The executive officer shall perform such duties as the Board may from time to time direct.

(3) The executive officer shall not be a person who has been registered under any Act governing a designated health discipline or who is registered under this Act.

(4) Such officers and employees as are necessary to carry out the duties of the Board under this Act shall be appointed under the Public Service Act.

(5) The Board may engage such part time consultants and advisers as it considers necessary and appropriate to assist it in carrying out its duties under this Act.

(6) The Board may appoint such advisory committees as it considers desirable and appropriate to assist it in carrying out its duties under this Act.

5.-(1) It is the duty of the Board to ensure that the activities of designated health disciplines are effectively regulated and co-ordinated in the public interest, to encourage the development and maintenance of appropriate standards of practice and to ensure that the rights of individuals to the services of members of designated health disciplines of their choice are maintained and to these ends to,

(a) review or supervise the activities of Councils;

(b) request or require Councils to undertake activities that are necessary and advisable to carry out the intent of this Act;

- (c) require Councils to provide such reports and information as the Board requires for its purposes including information from the registers of the Colleges;
- (d) call meetings with Councils or any committee thereof;
- (e) advise, guide or direct Councils with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by Councils to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by a Council for changes in legislation or regulations of concern to that Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of Councils and provide advice and guidance to Councils with respect to the proposed implementation or revision of such by-laws;
- (h) request or require a Council to make regulations respecting any of the matters specified in its applicable Part where that Council has failed to make such regulations;
- (i) review legislation respecting the provision of health services by designated health disciplines; and
- (j) conduct such hearings and perform such duties as are assigned to it by or under this or any other Act.

Regulations
by Board

(2) Subject to the approval of the Lieutenant Governor in Council, the Board may make regulations in respect of any matter that a Council is authorized to make regulations under this Act and where there is a conflict

between a regulation made by a Council and a regulation made by the Board, the regulation made by the Board shall prevail.

er duties

(3) The Board shall,

- (a) make recommendations to the Minister as to the health disciplines to be designated under this Act;
- (b) submit an annual report on its activities to the Minister and which shall include such information as the Minister may require.

ual
ports

(4) The Minister shall forthwith submit the report of the Board to the Lieutenant Governor in Council and shall then lay the report before the Assembly, if it is in session or, if not, at the next ensuing session.

plaints

6.--(1) Where a council or complaints committee thereof has made a disposition of a complaint respecting a member of its College in accordance with the provisions of the applicable Part of this Act governing that Council, the Registrar of that College shall send to the member and to the complainant by prepaid first class mail, a copy of the written decisions made by that Council or committee thereof together with notice advising the complainant of his right of review under subsection 2.

view of
plaints

(2) A complainant or the member who is not satisfied with the decision made by a Council or committee thereof, other than the discipline committee, respecting the disposition of

a complaint respecting a member of the College, may within twenty days of receipt of the written decision request the Board to review the decision and the Board shall require the Registrar of the College to transmit to the Board within fifteen days of the Board's request, a record of the proceedings and all such documents and things upon which the decision was based and the Board shall review the decision.

Investigation of complaint by Board

7. Where an investigation of a complaint respecting a member of a College has not been undertaken within a reasonable time by the appropriate Council or committee thereof, the Board shall assess the circumstances and may require the Council or committee thereof to make an investigation and where the investigation of the complaint has not been undertaken, completed and reported on to the Board by the Council within ninety days of the Board's request, the Board shall undertake such investigation and shall possess all the powers of investigation that the Council or committee thereof has conferred upon it in the applicable Part of this Act.

Powers of Board after review or investigation of complaint

8.-(1) The Board may after review or investigation of a complaint under section 6 or 7 refer the complaint to the Council and the Board may,

(a) confirm the decision, if any, made by the Council or committee thereof;

- (b) make such recommendations to the Council or committee thereof as the Board considers appropriate; or
- (c) require the Council or committee thereof to take such action or proceedings as the Council or committee thereof is authorized to undertake under the applicable Part of this Act.

(2) Three members of the Board constitute a quorum for purposes of investigation or review of a complaint under section 6 or 7 or a hearing under section 9.

9.--(1) Where a Council or a committee thereof proposes to refuse to register an applicant on a register, the Registrar on behalf of the Council or committee thereof shall serve notice of the proposal of the Council or committee thereof, together with written reasons therefor, on the applicant.

(2) Subsection 1 does not apply to an application for registration by a person who was previously registered and whose registration is restricted, suspended or erased as a result of a decision of a discipline committee.

(3) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Board or to a review of his application and documentary evidence in support thereof by the Board, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Board requiring

a hearing or a review of his application and documentary evidence in support thereof by the Board.

Powers of
Council or
committee
where
hearing or
review

(4) Where an applicant does not require a hearing or review by the Board in accordance with subsection 3, the Council or committee thereof may carry out the proposal stated in its notice under subsection 1.

Procedures
on hearings

(5) The provisions of subsections 2 to 8 of section 13 apply mutatis mutandis to proceedings before the Board under this section.

Powers of
Board
upon hearing
or review

(6) The Board shall after the hearing or review respecting the proposed refusal to grant registration to the applicant,

(a) confirm the proposed decision of the Council or committee thereof; or

(b) require the Council or committee thereof to permit an applicant to take qualifying examinations or additional training as a condition for registration, or both; or

(c) require the Council or committee thereof to register the applicant on any appropriate register subject to such conditions as the Board considers appropriate in cases where the Board finds that the applicant met the requirements for registration and that the Council or committee thereof had exercised its powers improperly; or

(d) refer the matter back to the Council or committee thereof for further consideration and the Board may make such recommendations as it considers appropriate in the circumstances.

(7) The Council or the Committee referred to in subsection 1 and the applicant are parties to proceedings before the Board under this section.

(8) Any party to proceedings before the Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 14 apply mutatis mutandis as if it were an appeal from a discipline committee.

10. Where the Board receives proposals for changes in legislation or regulations from a designated health discipline, the Board shall distribute the proposals to all designated health disciplines and all designated health disciplines shall be entitled to make submissions to the Board with respect to such proposals.

11.-(1) The moneys required for the purposes of the Board shall be paid out of the moneys appropriated therefor by the Legislature.

(2) Where a College has incurred expenses in complying with the directions of the Board under this Part, the Council may request the Board to consider its request for reimbursement of these expenses and where the Board considers the request to be reasonable, the Board shall have the authority to make appropriate payments to reimburse the College in whole or in part for the expenses incurred.

audit

12. The accounts and financial transactions of the Board shall be audited annually by the Provincial Auditor or such other auditor as the Lieutenant Governor in Council may appoint.

parties to
discipline
proceedings

13.-(1) In proceedings before the discipline committee of a College, the College and the member of the College whose conduct is being investigated in the proceedings are parties to the proceedings.

examination
of documentary
evidence

(2) A member whose conduct is being investigated in proceedings before a discipline committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which shall be given in evidence at the hearing.

members hold-
ing hearing
not to have
taken part in
investiga-
tion, etc.

(3) Members of a discipline committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be

made known to the parties in order that they may make submissions as to the law.

camera

1,c.47

(4) Notwithstanding anything in The Statutory Powers Procedure Act, 1971, hearings of a discipline committee shall be held in camera but if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee may conduct the hearing in public or otherwise as it considers proper.

ording
evidence

(5) The oral evidence taken before a discipline committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost.

ndings
fact

71,c.47

(6) The findings of fact of a discipline committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of The Statutory Powers Procedure Act, 1971.

ly members
hearing to
rticipate
decision

(7) No member of a discipline committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

lease of
umentary
dence

(8) Documents and things put in evidence at a hearing of a discipline committee shall, upon the request of the person who produced them, be released to him by the committee

within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

14.--(1) Any party to proceedings before a discipline committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(2) Where any party appeals from a decision or order of a discipline committee, the appellant shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the committee's record, shall constitute the record of the appeal.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee or the College to take any action which the committee or the College may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee, or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

vidence of
complaints of
discipline
committee

(4) The decision of a complaints committee or a discipline committee and the evidence taken at such committee hearings are not admissible in any civil action.

ervice
notice

15. Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

istrar's
tificate
evidence

16. Any statement containing information from the records required to be kept by a registrar under any Part of this Act, purporting to be certified by the registrar under the seal of the College is admissible in evidence in all courts as prima facie proof of the facts stated therein without proof of the appointment or signature of the registrar and without proof of the seal.

unity of
rd, College,
cils and
mittees

17. No action or other proceeding for damages shall be instituted against the Board, a College, a Council, a committee or any member of the Board, College, Council or

committee, or any officers, servants, agents or appointees appointed by the Board, College, Council or committee for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

tation
commenc-
actions

18. No duly registered member of a College is liable to any action for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within one year from the date when, in the matter complained of, such professional services terminated.

ifica-
of
ificates

19.-(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or, issues a false certificate with respect to registration is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

nces for
e repre-
ntation

(2) Any person who wilfully procures or attempts to procure himself to be registered under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 and

every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

(3) Any person entitled to be registered under this Act, but who neglects or omits to be so registered, is not entitled to any of the rights or privileges conferred by registration, so long as such neglect or omission continues, and he is liable to all the penalties imposed by this Act, or by any other Act in force against any unregistered person.

20. Where registration under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was registered under this Act rests upon the accused.

PART
RELATING TO
CHIROPRACTIC

Part relating to CHIROPRACTORS

Interpretation

1. In this Part

- (a) "Board" means the Health Disciplines Board;
- (b) "College" means the College of chiropractors;
- (c) "Council" means the Council of the College;
- (d) "Member" means a member of the College;
- (e) "Regulations" mean the regulations made under this Part;
- (f) "By-laws" mean the by-laws made under this Part;
- (g) "Register" means the register as provided in the regulations under this Part;
- (h) "Chiropractor" means a member of the College engaged in the practice or profession of chiropractic;
- (i) "Practice" of chiropractic means, any professional service performed by a chiropractor, the objectives of which are to undertake the care of the spine and related anatomical structures with respect both to the maintenance of health and the differential diagnosis and treatment of disorders of spinal origin by the adjustment and manipulation of the spine and related structures, and when necessary, with the aid of light therapy, heat therapy, water therapy, electric therapy, ~~mechan~~ therapy. Chiropractors may use x-ray for diagnostic purposes within the regulations in force in the Province;
- (j) "Registrar" means the Registrar of the College;
- (k) "Registration" means the listing of members on a Register and for the purpose of this Part includes licensing.

Establishment
of the College

2. The College of Chiropractors, hereinafter called The College, is established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

ects 3. (1) The objects of the College are

- (a) to regulate the practice of chiropractic and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the practice of chiropractic;
- (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

(2) The College is the successor to the Board of Directors of Chiropractic established under the Drugless Practitioners Act and shall obtain the benefit of and be bound by all rights, actions, real and personal property and all other rights and liabilities vested in the Board of Directors of Chiropractic upon the date this Part comes into force.

(3) Every person registered as a chiropractor under the Drugless Practitioners Act immediately prior to the coming into force of this Part is a member of the College.

Membership in
the College

4. (1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.
- (2) Membership is terminated
 - (a) during any period that the member's name has been erased or suspended from the register;
 - (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.
- (3) A member is in good standing if
 - (a) he holds a current valid registration under this Part;
 - (b) he is not indebted to the College;
 - (c) his professional conduct is not at that time subject to disciplinary charge or injury by the discipline committee or inquiry as to his mental or physical capacity.
- (4) A Council or the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
the College

5. (1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs;
- (2) The Council shall be composed as follows:
 - (i) seven members from the chiropractic profession;
 - (ii) two lay persons not members of a health discipline to be appointed by the Lieutenant Governor in Council.

- (3) (i) For the first Council, the members referred to in subsection 2(i) shall be appointed by the Minister of Health, three of whom shall be chosen from the Board of Directors of Chiropractic, two of whom shall be nominated by the Ontario Chiropractic Association, one of whom shall be nominated by the Board of Governors of the Canadian Memorial Chiropractic College, all of whom shall be persons eligible to be registered under this Part;
- (ii) The term of such officers shall be no more than three years;
- (iii) The first Council shall provide for the election of members of Council, other than those appointed by the Lieutenant Governor in Council, on or before the third anniversary of their appointment, and thereafter they shall be elected in the manner and for the term prescribed in the regulations.
- (4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.
- (5) The Council shall annually elect a President and Vice-President from among its members.
- (6) The Council shall appoint during pleasure a Registrar, Treasurer, Secretary and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.

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ers of
Council

6. Council shall have the power to administer and generally manage and regulate the affairs of the College and without restricting the generality of the foregoing, Council shall have the power

- (1) To spend money and incur debt for the carrying out of the purposes of this Part, for scientific research or for such purposes as advance the chiropractic knowledge and education for maintaining standards of practice and the general promotion of the objects of the College;
- (2) To propose changes in legislation, regulations, and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.
- (3) To establish and maintain such registers as the Council considers may be required and may publish a list of those registered.

tionship
ouncil to
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7. (1) It being the duty of the Board to ensure that the activities of chiropractors are effectively regulated and co-ordinated in the public interest, to encourage the development and maintenance of appropriate standards of practice and to ensure that the rights of individuals to the services of chiropractors are maintained, Council shall;
- (a) permit a review of the activities of Council by the Board;
 - (b) undertake activities requested by the Board that are necessary and advisable to carry out the intent of the Health Disciplines Act;

- (c) provide such reports and information as the Board requires including information from the registers of the College;
- (d) call meetings at the request of the Board, the Council or a committee thereof;
- (e) receive advice from the Board with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) submit to the Board for its review or comment proposals by the Council for changes in legislation or regulations of concern to the Council. Such proposals are forwarded to the Minister;
- (g) file with the Board copies of all the by-laws of the Council and receive the Board's advice, if any, with respect to the proposed implementation or revision of such by-laws.

tions

8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the readmission of former members;
- (3) prescribing the requirements for admission to practice;

- (4) prescribing the manner of registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;
- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of chiropractors;

- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration and re-registration and examination;
- (16) permitting inspection of premises and clinical records;
- (17) permitting inspection of financial records respecting a particular patient; and
- (18) providing for a code of ethics.

- aws
9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, and the Regulations, and without limiting the generality of the foregoing;
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;

- (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
- (g) respecting the calling, holding and conducting of meetings of the membership of the College;
- (h) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
- (i) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
- (j) providing for the appointment of and prescribing the remuneration of the Registrar;
- (k) prescribing forms and providing for their use;
- (l) providing procedures for the making, amending and revoking of the by-laws;
- (m) respecting management of the property of the College;
- (n) respecting the application of the funds for College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
- (o) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;

(p) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
- (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

Establishment
Committees

10. The Council shall appoint as hereinafter provided the following committees;

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline

and may appoint such further and other committees as it may from time to time deem necessary.

Executive
Committee

11. (1) The Executive Committee shall be composed of
- (a) the President, who shall be Chairman of the Committee;
 - (b) The Vice-President;
 - (c) three members of the Council, one of whom may be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) A majority of the members constitutes a quorum.
- (3) The Committee may deal with matters referred by Council, refer cases to the Discipline Committee and

consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing policy to remain in effect only until after the next ensuing session of the Council unless confirmed at this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

gistration
Committee

12. (1) The Registration Committee shall be composed of all members of Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership and without limiting the generality of the foregoing, may decide in favour of exemption from admission requirements including examinations for persons recommended and employed by The Canadian Memorial Chiropractic College or its affiliates.
- (5) The Registration Committee, in accordance with its findings, may:
- (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or

(c) propose to refuse the applicant to an examination or the Register or both.

- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant;
- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in Section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of two members of the Council, one member appointed to the Council by the Lieutenant Governor in Council, and two additional members of the College not members of Council.
- (2) No member of the Complaints Committee who has ruled on the complaint shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the Committee to be Chairman.
- (4) Three or more of the members shall constitute a quorum.
- (5) The decisions of the Committee on complaints shall require the vote of a simple majority of the members.
- (6) The Complaints Committee shall consider and investigate complaints or reports regarding the conduct or actions of any member, but no action

shall be taken by the Committee unless,

- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified.
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint,
 - (d) the member whose conduct is being investigated is permitted, if he so requests, to appear before the Committee to give oral evidence on his behalf.
- (7) The Committee in accordance with its findings may direct that,
- (a) no hearing be held in the case by the Discipline Committee, or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or by-laws.

- (8) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member in accordance with Section (6) (b) of this Part.
- (9) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.
- (10) Notwithstanding subsection (6) of this section, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

- 14. (1) The Discipline Committee shall be composed of five members of the Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) Three or more members of the Committee constitute a quorum, and all disciplinary decisions require the vote of a majority of the Committee present at the meeting.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Council shall name one of its members as Chairman.

- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the penalties hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction.
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct as prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature or to a degree or extent that may render him unfit to continue in practice.

15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,
 - (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.
- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

- (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;
 - (d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (e) direct that the imposition of a penalty be postponed for such period and upon such terms as the Committee may designate;
 - (f) direct the member to pay the cost of investigations and hearings.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.
17. (1) A former member whose name has been erased or suspended may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
- (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
- (3) Notwithstanding the above provisions of this section, the Council with a two-thirds majority may restore the applicant to the register without referral to the Discipline Committee.
18. (1) No person shall practise chiropractic unless he or she be registered under this Part and if any person not so registered practises or professes to practise chiropractic or advertises to practise chiropractic, that person is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

- (2) Subsection (1) does not apply to the rendering of first aid or temporary assistance in cases of emergency.
- (3) Proof of one offence is sufficient to establish practice.
- (4) Any person convicted of an offence under this section is liable for the first offence to a fine of not less than \$400.00 and not more than \$1000.00, and for each subsequent offence to a fine of not less than \$1000.00 and not more than \$2000.00 and not more than six months' imprisonment.
- (5) Nothing in this section shall apply to students practising under supervision of licensed chiropractors at the Canadian Memorial Chiropractic College or its affiliates.

- of Title
19. (1) Any person not registered under this Part who assumes, uses or employs the title "Doctor of Chiropractic" or "Chiropractor" or any abbreviations or combination thereof or any suffix, prefix, affix, word, title, or designation abbreviated or otherwise, or otherwise holds himself out to be a Doctor of Chiropractic or Chiropractor, is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- alties
- (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$1000.00, for a second offence to a fine of not more than \$2000.00.

20. Any fines payable for offences under this Part shall be paid to the Crown.
21. Other matters to be included of particular applicability to chiropractors.
22. The Drugless Practitioners Act is repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.
23. Nothing in any other Part or Statute prohibits a licensed chiropractor from practising chiropractic for hire, gain or hope of reward.

PART
RELATING TO
DENTAL HYGIENE

THE HEALTH DISCIPLINES ACT

Part relating to Dental Hygiene

nterpre-
ation

1. In this Part

- (a) "College" means the College of Dental Hygienists;
- (b) "Council" means the Council of the College;
- (c) "Member" means a member of the College;
- (d) "Regulations" means the regulations made under this Part;
- (e) "By-laws" mean the by-laws made under this Part;
- (f) "Register" means the register as provided in the regulations made under this Part;
- (g) "Dental Hygienist" means a member of the College engaged in the practice or profession of Dental Hygiene;
- (h) "Practice of Dental Hygiene" means the performance in the oral cavity of any work, service or assistance or the giving of advice, which performance or advice
 - (i) is ancillary to the primary performance of a dental procedure by and under the effective supervision of, and
 - (ii) does not involve the professional skill or judgment required by,a member of the Royal College of Dental Surgeons as defined under this Act.
- (i) "Registrar" means the Registrar of the College;
- (j) "Registration" means the listing of members on a Register and for the purposes of this Part includes

establish-
ment of the
College

- ### 2. (1) The College of Dental Hygienists hereinafter called "The College", is hereby established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose

of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, save and except those contained in Sections 85 and 347 thereof.

(2) Incidental and ancilliary to the objects set forth above, the College has power;

(a) to have perpetual succession;

(b) to contract and sue and be sued in its corporate name;

(c) to carry on any business capable of being conveniently carried on in connection with its objects or purposes or likely to enhance the value of or make profitable any of its property or rights;

(d) to apply for, register, purchase, lease, acquire, hold, use, control, licence, sell, assign or dispose of, patents, formulae, licences, inventions, processes, distinctive marks and similar rights;

(e) to enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person, firm or association carrying on or engaged in or about to carry on or engage in any business or transaction that the College is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the College,

and to lend money to, guarantee the contracts of or otherwise assist any such person, firm or association, and to take or otherwise acquire and hold shares and securities of any such person, firm or association, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

- (f) to enter into arrangements with any public authority that seem conducive to the College's objects and obtain from any such authority any rights, privileges or concessions;
- (g) to lend money to any other person, firm or association having dealings with the College or with whom the College proposes to have dealings or to any other body corporate any of whose shares are held by the College;
- (h) to establish and support or aid in the establishment and support of associations, institutions, funds, or trusts for the benefit of employees or former employees of the College or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments

toward insurance or for any objects similar to those set forth in this section, and subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;

- (i) to promote any body corporate for the purpose of acquiring or taking over any of the property and liabilities of the College, or for any other purpose that may benefit the College;
- (j) to purchase, lease or take in exchange, hire or otherwise acquire any personal property and rights or privileges that the College may consider necessary or convenient for the purposes of its objects;
- (k) to construct, maintain and alter any buildings or works necessary or convenient for the College's objects and to contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof,
- (l) to acquire by purchase, lease or otherwise and hold any land or interest therein necessary for the actual use and occupation of the College or for carrying out its

objects, and when no longer necessary
therefor, to sell, alienate or convey
the same;

(m) to take, hold and alienate real and
personal property that has in good
faith been mortgaged to the College
by way of security for, or conveyed
to it in satisfaction of, debts
previously contracted in the course
of its business, or purchased at
judicial sales upon levy for such
indebtedness, or otherwise purchased
for the purpose of avoiding a loss to
the College;

(n) to raise or assist in raising money for
and to aid by way of bonus, loan, promise,
endorsement, guarantee or otherwise, any
person, firm or association with whom the
College may have dealings or any of whose
shares, securities or other obligations
are held by the College and to guarantee
the performance or fulfilment of any
contracts or obligations of any such person,
firm or association, and in particular to
guarantee the payment of the principal of
and interest or securities, mortgages and
liabilities of any such person, firm or
association;

- (o) to draw, make, accept, endorse, discount,
execute and issue bills of exchange,
promissory notes, bills of lading and other
negotiable or transferable instruments;
- (p) to sell, improve, manage, develop, exchange,
lease, dispose of, turn to account or
otherwise deal with the property of the
College;
- (q) to publish books and periodicals or grant
prizes and rewards or make donations to
further the objects of the College;
- (r) to cause the College to be registered
and recognized in any foreign jurisdiction
or any province or territory of Canada,
and to designate persons therein according
to the laws of such foreign jurisdiction
or province or territory to represent the
College and to accept service for and on
behalf of the College of any process or
suit;
- (s) to pay all costs and expenses of or incidental
to carrying out of the objects of the College;
- (t) to invest and deal with the moneys of the
College not immediately required in such
manner as may be determined;
- (u) to take or hold mortgages, hypothecs, liens
and charges to secure payment of the purchase
price, or of any unpaid balance of the

purchase price, of any part of the property
of the College of whatsoever kind sold by
the College, or for any money due to the
College from purchasers and others and to
sell or otherwise dispose of any such
mortgage, hypothec, lien or charge;

(v) to borrow money for its purposes;

(w) to acquire, take by gift, bequest, devise
donation, or otherwise any real or personal
property for its objects, and to hold, sell,
mortgage, lease, or dispose of any such real
or personal property;

(x) to do any of the above things and all things
otherwise authorized by any law as principals,
agents, contractors, trustees or otherwise,
and either alone or in conjunction with others;
and

(y) to do all such other things as are incidental
or conducive to the attainment of the objects
and the exercise of the powers of the College.

(3) The powers of the College as hereinbefore set forth
shall be in addition to any other powers or rights which may
be lawfully exercised by the College pursuant to any existing
or future law or right.

ects 3.(1) The objects of the College are

(a) to regulate the practice of Dental Hygiene and to
govern the profession in accordance with the Act,
this Part, the Regulations, and the by-laws;

(b) to establish, maintain and develop standards

of knowledge and skill among its members;

(c) to establish, maintain and develop standards of qualification and practice for the practice of Dental Hygiene;

(d) to establish, maintain and develop standards of professional ethics among its members in

order that the public interest may be served and protected.

(2) Deleted.

(3) Every person registered as a Dental Hygienist under The Dentistry Act R.S.O. 1970, chap. 108 immediately prior to the coming into force of this Part is a member of the College.

(4) Every person who files with the Registrar an application in the form prescribed by the regulations and pays the fees prescribed by by-law and otherwise complies with the requirements for registration as provided by the regulations shall be registered as a member and shall be provided with a certificate of registration and thereupon shall have the rights, privileges, duties and obligations conferred by this Part.

(5) Every certificate of registration is renewable periodically as provided by the regulations.

Annual Fees 3A.(1) Every member shall pay a licence fee to
to the College as is prescribed by by-law and such
fee shall be deemed to be a debt due to the College
and is recoverable by suit in the name of the College
in any court of competent jurisdiction.

fault in
payment of
fees

- (2) Where the annual licence fee is not paid within two months from the date upon which it becomes due the Registrar shall send a written notice of such default by prepaid registered mail addressed to the member's latest address as shown on the records of the College, and, if payment is not made within one month thereafter, the member ceases to be registered under this Part.

instatement

- (3) A member in default of payment of the annual licence fee may be restored in good standing upon payment of the fee and an additional sum as may be prescribed by by-law.

bership
the
College

4. (1) All persons registered by the College will be members the College subject to any restriction or condition related to the register on which they are listed.

- (2) Membership is terminated

- (a) during any period that the member's name has been erased or suspended from the register;
- (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.

- (3) A member is in good standing if

- (a) he holds a current valid certification of registration under this Act;
- (b) he is not indebted to the College;

- (c) his professional conduct is not at that time subject to disciplinary charge or inquiry by the discipline committee or inquiry as to his mental or physical capacity.
- (4) The Council or the Executive Committee thereof may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.
- (5) All rights and privileges of a member terminate upon such member ceasing to be registered under this Part or upon acceptance of his resignation in writing.
- (6) Every person who ceases to be a member may make application for re-admission as a member by filing with the Registrar an application in the form prescribed by the regulations and by otherwise complying with the requirements for re-admission as provided by the regulations, and shall be registered as a member and shall be provided with a certificate of registration and thereupon shall have the rights, privileges, duties and obligations conferred by this Part.
5. (1) There shall be established a Council which shall be the governing body of the College and which shall manage and administer its affairs.
- (2) The Council shall be composed as follows:
- (i) five members from the College,

(ii) two lay members to be appointed by the
Lieutenant Governor in Council.

(3) For the first Council the members referred to in subsection (2)(i) shall be appointed by the Minister of Health, four of whom shall be nominated by the Ontario Dental Hygienists Association, all of whom shall be persons eligible to be registered under this Part.

(3a) Thereafter the election and appointment of members of Council shall take place every three years and all members of Council then in office shall retire, but, if qualified, are eligible for re-election or re-appointment.

(3b) If the election or appointment of members of Council is not held or effected within the prescribed period, the members of Council then in office continue in office until their successors are elected or appointed.

(4) Only members in good standing who are registered on the register are qualified to vote at an election of members of Council.

(5) The Council shall annually elect a President and Vice-President from among its members.

(6) The Council shall appoint [^]a Registrar, Treasurer, Secretary and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College and any two or more of such appointive offices may be held by one person.

- (7) A member of Council may at any time resign his office by notice in writing to the Secretary of the College.
- (8) Where there is a vacancy or vacancies on Council, the remaining members of Council may exercise all the powers of Council so long as a majority of Council members remains in office and, in the case of a vacancy or vacancies occurring on Council through resignation or otherwise within six months prior to the date a general election for members of Council is required to be held, the remaining members of Council shall forthwith appoint a member or members to fill the vacancy or vacancies for the remainder of the term; provided however, where a vacancy or vacancies occur in the representation of members of Council appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall forthwith fill the vacancy or vacancies by the appointment of a duly qualified person or persons.

General
powers of
the Council

6. (1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.
- (2) The Council shall establish and maintain such registers as the Council considers may be required and may publish a list of those registered.

Relationship
of College
to Board

7.

The Board may

- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Regulations

8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;

- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the re-admission of former members;
- (3) prescribing the requirements for admission or re-admission to practice;
- (4) prescribing the manner of registering those admitted or re-admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practice;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;
- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring

members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of Dental Hygiene.

- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration and re-registration and examination.

- y-laws
9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, and the Regulations, and without limiting the generality of the foregoing:
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
 - (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

- (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
- (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
- (i) providing for the appointment of and prescribing the remuneration of the Registrar;
- (j) prescribing forms and providing for their use;
- (k) providing procedures for the making, amending and revoking of the by-laws;
- (l) respecting management of the property of the College;
- (m) respecting the application of the funds for College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
- (n) respecting membership of the College in a national or international organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;
- (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
 - (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

Establish-
ment of
committees

10. The Council shall appoint the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline

Executive
Committee

11. (1) The Executive Committee shall be composed of three

- (a) the President, who shall be Chairman of the Committee;
- (b) the Vice-President;
- (c) one other member of the Council who may be one of the members appointed to the Council by the Lieutenant Governor in Council.

- (2) A majority of the members constitutes a quorum.
- (3) The Committee may deal with matters referred by Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing policy to remain in effect only until after the next ensuing session of the Council unless confirmed at

this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

stra-
ittee

12. (1) The Registration Committee shall be composed of three members of Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may:
 - (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in Section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of three persons two of which are members of the College and one of which is member of the Council appointed to the Council by the Lieutenant Governor in Council.'
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the committee to be Chairman.
- (4) A majority of the members constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
- (b) the member whose conduct is being investigated has given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;

- (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if he so requests, to appear before the Committee to give oral evidence on his behalf.
- (6) The Committee in accordance with its findings may direct that,
- (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member in accordance with Section ____ of this Part.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section of Part 1 of this Act.
- (9) Notwithstanding subsection (6) , the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

14. (1) The Discipline Committee shall be composed of three members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) Two members of the Committee constitute a quorum.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the penalties herein-after provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
- (a) the member has been found guilty of an indictable offence or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;
- (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the Regulations.

- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature to a degree or extent that renders him unfit to continue in practice.
15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee
- (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
- (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it

finds the member guilty of professional misconduct or of incompetence.

- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,
 - (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;
 - (d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (e) direct that the imposition of a penalty be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being

taken or , if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.
17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
- (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
- (3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.
18. (1) Every person practicing Dental Hygiene shall be registered under this Part and if any person not so registered practices or professes to practice Dental

Hygiene or in any manner whatsoever holds himself out as a Dental Hygienist, he is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

- (1a) Every person who hires, engages or in any way employs a person who is not registered under this Part to perform the services of a Dental Hygienist, is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (2) Subsections 1 and (1a) do not apply to
- (a) to persons rendering first aid or temporary assistance in cases of emergency;
 - (b) any person registered under another Part or any Act relating to the treatment of human ailments to the extent that the actions or conduct in question of that person is within the scope of practice authorized in that Part or Act;
 - (c) any person specifically excluded by regulations under this Part.
- (3) Proof of one offence is sufficient to establish practice.
- (4) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$500, for every offence thereafter to a fine of not more than \$1000.

18.A A member of the Royal College of Dental Surgeons as defined under this Act shall be responsible for any work, service, advice or assistance undertaken, performed, or

given by a Dental Hygienist who is acting under his effective supervision or upon his instructions or with his authority.

19. (1) Any person not registered under this Part who assumes, uses or employs the title or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$500, for every offence thereafter to a fine of not more than \$1000.
20. Any fines payable for offences under this Part shall be paid to the Crown.
21. In a prosecution under this Part the burden of proving membership in the College is upon the person charged with a contravention of this Part.
22. Section 12 of The Dentistry Act, R.S.O. 1970 Chap. 108 is repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.

PART
RELATING TO
DENTAL TECHNOLOGY

THE HEALTH DISCIPLINES ACT

Part relating to Dental Technology

Interpretation

1.

In this Part -

- (a) "Act means The Health Disciplines Act;
- (b) "by-laws" mean the by-laws enacted by the Council pursuant to this Part;
- (c) "certificate of registration" means a certificate to engage in the practice or profession of dental technology issued under this Part;
- (d) "College" means the College of Dental Technology;
- (e) "Council" means the governing body of the College;
- (f) "dental laboratory" means any place in which the practice or profession of dental technology is being conducted;
- (g) "dental technician" means a member of the College engaged in the practice or profession of dental technology;
- (h) "dental technology" means the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing, on the prescription in writing or instructions of a dentist, dental surgeon or physician registered under Parts and of this Act respectively, of any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with, or to replace, improve or supplement any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof;

- (i) "member" means a member of the College;
- (j) "practice" means the practice of dental technology;
- (k) "profession" means the profession of dental technology;
- (l) "professional misconduct" means misconduct as defined by the regulations and includes infamous, disgraceful or improper conduct in a professional respect, professional incompetence or carelessness, fraudulent or excessive charging for services, engaging in the practice or profession of dentistry or dental surgery except as permitted in this Part and failure or refusal to comply with the rules or ethics of the profession as may be prescribed by Council from time to time;
- (m) "Register" means the register as provided in the regulations made under this Part;
- (n) "Registrar" means the Registrar of the College;
- (o) "regulations" means the regulations made by the Council pursuant to this Part.

PUBLISH-
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2. (1) The Governing Board of Dental Technicians established under The Dental Technicians Act, 1946 and constituted as a corporation under Statutes of Ontario 1962-63, Chapter 31, is hereby continued as the College, such College to be a self-regulatory body corporate without share capital.

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(2) The objects of the College are:

- (a) to regulate the practice of dental technology and to govern the profession in accordance with the Act, this Part, the regulations and

the by-laws;

(b) to establish, maintain and develop standards of knowledge and skill among its members;

(c) to establish, maintain and develop standards of qualification and practice for the profession; and

(d) to establish, maintain and develop standards of professional ethics among its members,

in order that the public interest may be served and protected.

POWERS

(3) Incidental and ancilliary to the objects set forth above, the College has power:

(a) to have perpetual succession;

(b) to contract and sue and be sued in its corporate name;

(c) to carry on any business capable of being conveniently carried on in connection with its objects or purposes or likely to enhance the value of or make profitable any of its property or rights;

(d) to apply for, register, purchase, lease, acquire, hold, use, control, licence, sell, assign or dispose of, patents, formulate, licences, inventions, processes, distinctive marks and similar rights;

(e) to enter into partnership or into any arrangement for sharing of profits, union

of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person, firm or association carrying on or engaged in or about to carry on or engaged in any business or transaction that the College is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the College, and to lend money to, guarantee the contracts of, or otherwise assist any such person, firm or association, and to take or otherwise acquire and hold shares and securities of any such person, firm or association, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

- (f) to enter into arrangements with any public authority that seem conducive to the College's objects and obtain from any such authority any rights, privileges or concessions;

- (g) to lend money to any other person, firm or association having dealings with the College or with whom the College proposes to have dealings or to any other body corporate any of whose shares are held by the College;
- (h) to establish and support or aid in the establishment and support of associations, institutions, funds, or trusts for the benefit of employees or former employees of the College or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments toward insurance or for any objects similar to those set forth in this section, and subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;
- (i) to promote any body corporate for the purpose of acquiring or taking over any of the property and liabilities of the College, or for any other purpose that may benefit the College;
- (j) to purchase, lease or take in exchange, hire or otherwise acquire any personal property and rights or privileges that

- the College may consider necessary or convenient for the purposes of its objects;
- (k) to construct, maintain and alter any buildings or works necessary or convenient for the College's objects and to contribute to, subsidize or otherwise assist or take part in the construction, improvement, maintenance, working, management, carrying out or control thereof;
 - (l) to acquire by purchase, lease or otherwise and hold any land or interest therein necessary for the actual use and occupation of the College or for carrying out its objects, and when no longer necessary therefor, to sell, alienate or convey the same;
 - (m) to take, hold and alienate real and personal property that has in good faith been mortgaged to the College by way of security for, or conveyed to it in satisfaction of, debts, previously contracted in the course of its business, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the College;
 - (n) to raise or assist in raising money for and to aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any person, firm or association with whom the

College may have dealings or any of whose shares, securities or other obligations are held by the College and to guarantee the performance or fulfilment of any contracts or obligations of any such person, firm or association, and in particular to guarantee the payment of the principal of and interest on securities, mortgages and liabilities of any such person, firm or association;

- (o) to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading and other negotiable or transferable instruments;
- (p) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the College;
- (q) to publish books and periodicals or grant prizes and rewards or make donations to further the objects of the College;
- (r) to cause the College to be registered and recognized in any foreign jurisdiction or any province or territory of Canada, and to designate persons therein according to the laws of such foreign jurisdiction or province or territory to represent the College and to accept service for and on behalf of the College of any process or suit;

- (s) to pay all costs and expenses of or incidental to carrying out of the objects of the College;
- (t) to invest and deal with the moneys of the College not immediately required in such manner as may be determined;
- (u) to take or hold mortgages, hypothecs, liens and charges to secure payment of the purchase price, or of any unpaid balance of the purchase price, of any part of the property of the College of whatsoever kind sold by the College, or for any money due to the College from purchasers and others and to sell or otherwise dispose of any such mortgage, hypothec, lien or charge;
- (v) to borrow money for its purposes;
- (w) to acquire, take by gift, bequest, devise, donation, or otherwise any real or personal property for its objects, and to hold, sell, mortgage, lease, or dispose of any such real or personal property;
- (x) to do any of the above things and all things otherwise authorized by any law as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others;
and

(y) to do all such other things as are incidental or conducive to the attainment of objects and the exercise of the powers of the College.

(4) The powers of the College as hereinbefore set forth shall be in addition to any other powers or rights which may be lawfully exercised by the College pursuant to any existing or future law or right.

(5) Sections 85 and 347 of The Corporations Act do not apply to the College.

(6) In the event of conflict between any provision of this Part and any provision of The Corporations Act, the provision of this Part prevails.

Members
Continued

3. (1) Every person who is registered with the College and holds a valid and unforfeited certificate of registration to practice dental technology is hereby continued as a member of the College.

(2) Every person who files with the Registrar an application in the form prescribed by the regulations and pays the fees prescribed by by-law and otherwise complies with the requirements for registration as provided by the regulations shall be registered as a member and shall be provided with a certificate of registration and thereupon shall have the rights, privileges, duties and obligations conferred by this Part.

(3) Every certificate of registration is renewable annually as provided by the regulations.

ual Fees

4. (1) Every member shall pay an annual fee to the College as is prescribed by by-law and such fee shall be deemed to be a debt due to the College and is recoverable by suit in the name of the College in any court of competent jurisdiction.

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(2) Where the annual fee is not paid within two months from the date upon which it becomes due, the Registrar shall send a written notice of such default by prepaid registered mail addressed to the member's latest address as shown on the register and, if payment is not made within one month thereafter, the member ceases to be registered under this Part.

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(3) A member is not entitled to sue for the recovery of any fees or charges for services performed and materials provided in the practice of dental technology while he is in default in respect of the payment of the annual fee to the College.

instatement

(4) A member in default of payment of the annual fee may be restored in good standing upon payment of the fee and an additional sum as is prescribed by by-law.

sation of
bership

5. (1) A person ceases to be a member of the College:
(a) during any period that such person ceases to be registered under this Part;

- (b) upon filing with the Registrar a resignation in writing which shall be accepted by the Registrar if such person is then in good standing with the College, subject to the continuing jurisdiction of the College with respect to any disciplinary action or inquiry arising out of professional conduct of members while registered.

Resignation

- (2) The Council may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Good Standing

- (3) A member is in good standing if:
 - (a) he holds a valid and unforfeited certificate of registration under this Part;
 - (b) he has paid all fees, dues, fines and levies required to be paid to the College;
 - (c) his professional conduct is not subject to any disciplinary action or inquiry or to any inquiry as to his mental or physical capacity.

Termination
of Rights

- 6. All rights and privileges of a member terminate upon such member ceasing to be registered under this Part or upon acceptance of his resignation in writing.

admission 7.

Every person who ceases to be a member may make application for re-admission as a member by filing with the Registrar an application in the form prescribed by the regulations and by otherwise complying with the requirements for re-admission as provided by the regulations, and shall be registered as a member and shall be provided with a certificate of registration and thereupon shall have the rights, privileges, duties and obligations conferred by this Part.

ncil

8. (1) The Council is hereby established as the governing body of the College to arrange and administer its affairs.

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(2) Each member of Council shall be a Canadian citizen and, save and except for the two members appointed by the Minister, each member shall be a member of the College.

t to be
gistered

(3) None of the members of Council appointed by the Minister shall be registered or shall have been at any time registered under any act or part thereof governing a designated health discipline.

mposition
Council

9.

The Council shall be constituted as follows:

(1) Five members of Council shall be elected by the members.

- (2) Two members of Council shall be appointed by the Minister.
- (3) Notwithstanding the provisions of sub-section (1), all elected members of the first Council shall be appointed by the Minister from among persons recommended by those persons who formerly composed The Governing Board of Dental Technicians under The Dental Technicians Act, 1946 as amended.

lection and
ppointment

10. (1) The election and appointment of members of Council shall, subject to the by-laws, take place every years and all members of Council then in office shall retire, but, if qualified, are eligible for re-election or re-appointment.

ontinuance
n Office

(2) If the election or appointment of members of Council is not held or effected within the prescribed period, the members of Council then in office continue in office until their successors are elected or appointed.

embers' Right
Elect

(3) Only members in good standing shall be entitled to vote for a member of Council.

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11. (1) A member of Council may at any time resign his office by notice in writing to the Secretary of the College.

(2) Where there is a vacancy or vacancies on Council, the remaining members of Council may exercise all the powers of Council so long as a majority of Council members remains in office.

(3) In the case of a vacancy or vacancies occurring on Council through resignation or otherwise,

(a) where the vacancy or vacancies occur in respect of an elected member of Council the following shall apply:

(i) so long as a majority of elected members of Council remains in office such elected members shall appoint a member or members to fill the vacancy or vacancies for the remainder of the term; or

(ii) in the event that a majority of elected members of Council are not in office due to such vacancy or vacancies, an election shall be held pursuant to the by-laws to fill the vacancy or vacancies for the remainder of the term; and

(b) where a vacancy or vacancies occur in the representation of members of Council appointed by the Minister, the Minister shall fill the vacancy or vacancies by the appointment of a duly qualified person or persons from among persons recommended by the College for the remainder of the term.

- Officers 12. (1) The Council shall elect from among its members a President and Vice-President.
- (2) The Council shall appoint a Registrar, a Treasurer and a Secretary and may appoint such other officers as it considers necessary, any two or more of such appointive offices may be held by one person.
- Meetings 13. (1) Meetings of Council shall be held at such time and place as provided by the by-laws.
- Remuneration and Expenses (2) The members of Council shall be paid such fees for attendances at meetings and such reasonable travelling expenses as provided by by-law.
- Quorum 14. (1) Subject to sub-section (2), no business shall be transacted by Council except at a meeting of Council at which a majority of the members is present.
- (2) Any by-laws or resolution signed by all the members of Council is as valid and effective as if passed at a meeting of Council duly called, constituted and held for that purpose.
- Regulations 15. (1) Subject to the approval of the Lieutenant Governor in Council, Council may make regulations respecting any matter that is outside the scope of the by-law making powers specified in section 16 and, without limiting the generality of the foregoing,
- (a) respecting any matter ancilliary to the

provisions of this Part with regard to the admission, registration, conduct and discipline of members, the suspension and restoration of their rights and privileges, the cancellation of memberships, the resignation of members, and the re-admission of persons who cease to be members;

- (b) prescribing standards of practice for the profession;
- (c) providing for the inspection of premises and records of members;
- (d) defining professional misconduct for the purposes of this Part;
- (e) providing for the gathering and compiling of statistical information and requiring of members to furnish the information necessary to compile such statistics;
- (f) prescribing the educational requirements, training and experience, the scope and conduct of examinations and other requirements for admission or re-admission to practice;
- (g) prescribing requirements for continuing education of members;
- (h) regulating the use of terms, titles or designations;
- (i) providing for the preparation, publication

- and distribution of a code of professional conduct and ethics;
- (j) providing for payment to the College by members of the cost of investigations;
 - (k) defining conflicts of interest respecting members;
 - (l) respecting the reporting and publication of decisions in disciplinary matters;
 - (m) providing for the establishment, maintenance and administration of a benevolent fund for needy practitioners and dependants of deceased members;
 - (n) prescribing the manner of registering those admitted to practice, and providing for the maintenance and inspection of the Register; and
 - (o) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College.
2. Council may propose changes in legislation from time to time.

laws

16. (1) Subject to section 15, Council may enact such by-laws as it deems necessary relating to the administration and management of the College, and without limiting the generality of the foregoing, may enact by-laws:

- (a) providing procedures for the enactment, amendment and revocation of by-laws;
- (b) prescribing the seal of the College;
- (c) providing for the execution of documents by the College;
- (d) respecting the borrowing of money and the giving of security therefor;
- (e) respecting the management of property belonging to the College;
- (f) respecting the remuneration and payment of expenses of members of Council and committees;
- (g) respecting the holding and conduct of meetings;
- (h) respecting the election or appointment, duties and removal of officers and servants of the College and their remuneration;
- (i) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;

- (j) providing for the time and manner and the methods and procedures for the election and appointment of members of Council;
- (k) providing for the establishment, composition jurisdiction and operation of committees, other than statutory committees, and delegating to such committees such powers and duties as may be considered necessary;
- (l) prescribing annual and other fees, levies and assessments under this Part, and providing for the payment, remission or exemption thereof;
- (m) prescribing forms and providing for their use;
- (n) respecting the application of the funds of the College and the investment and re-investment of any funds not immediately required, and for the safekeeping of its securities;
- (o) respecting membership of the College in organizations with similar objects;
- (p) respecting all other matters necessary or convenient for the attainment of the objects of the College and the efficient conduct of its affairs.

laws
ed

(2) A copy of by-laws enacted pursuant to subsection (1) shall be filed with the Board and shall be available for public inspection in the office of the Registrar.

laws
ective

(3) A by-law shall become effective when it has been enacted by Council and shall remain in force until amended or repealed by Council.

ationship 17.
College
Board

The Board may

- (1) review the activities of Council;
- (2) request Council to undertake activities that are necessary and advisable to carry out the intent of the Act and this Part;
- (3) require Council to provide such reports and information as the Board requires including information from the Register;
- (4) call meetings with Council or any committee thereof;
- (5) advise Council with respect to the implementation of proposed legislation or regulations and with respect to the methods used or proposed to be used by Council to implement policies and to enforce regulations and procedures;
- (6) review and comment on proposals by Council for changes in legislation or regulations;
- (7) consider the by-laws of Council and advise Council with respect to proposed implementation or revision of such by-laws; and

- (8) request Council to make regulations respecting any of the matters concerning which Council is empowered to make regulations under this Part.

Establish-
ment of
Committees

18. The College shall have the following committees:
1. Executive
 2. Complaints
 3. Discipline
 4. Registration

Executive
Committee

19. (1) The executive committee shall consist of three persons and shall be composed as follows:

(a) the President and Vice-President of the College;

(b) one other member elected by Council.

Officers

- (2) The President of the College shall be the Chairman of the executive committee and the Vice-President of the College shall be the Secretary of the executive committee.

Quorum

- (3) A majority of members of the executive committee shall constitute a quorum for all purposes.

Functions

- (4) The executive committee shall perform such functions as are delegated or referred to it by Council or as require immediate action or attention between meetings of Council.

complaints
committee

20. (1) Forthwith after its election and appointment, Council shall appoint a complaints committee consisting of three members of Council, one of whom shall be a member appointed to Council by the Minister.

restriction

(2) No member of the complaints committee shall be a member of the discipline committee.

quorum

(3) A majority of the members of the complaints committee shall constitute a quorum for all purposes.

officers

(4) The complaints committee shall appoint from its members a Chairman and a Secretary.

inspections

(5) The complaints committee shall have power to review, consider, inspect and investigate complaints or reports regarding members or to cause inspections and investigations to be made in connection with such complaints or reports, including inspections and investigations at all reasonable times, of the places of business and records of members in respect of whom a complaint or report has been received.

complaints

21. (1) No action shall be taken by the complaints committee unless a complaint in writing has been filed in the office of the Registrar and a copy thereof has been sent by prepaid registered post to the member in respect of whom a complaint or report has been received.

Registrar
to Investigate

(2) After the member has been notified as aforesaid, the Registrar shall make such preliminary investigation as he deems proper, and where in his opinion there is reasonable ground for believing that the complaint is or may be justified, he shall refer the matter to the complaints committee.

Referral
to Complaints
Committee

(3) Upon referral of the matter by the Registrar to the complaints committee, the Registrar shall, at least two weeks prior to the date of the meeting of the complaints committee, inform the member whose conduct or action is being reviewed or investigated,

- (a) that the matter has been referred to the complaints committee;
- (b) of the time, date and place of the meeting of the complaints committee at which the matter will be considered; and
- (c) invite the member to submit in writing prior to the meeting of the complaints committee any explanations or representations he may wish to make concerning the complaint and, if he so requests, to appear before the complaints committee to make oral submissions on his behalf.

Disposition
by Complaints
Committee

22. The complaints committee shall thereupon consider the material before it, including any oral submissions heard, and may direct:

- (a) that no inquiry be held in the matter by the discipline committee;
- (b) that the matter in question shall, in whole or in part be referred to the discipline committee; or
- (c) that, if the matter is not one that need be referred to the discipline committee, such action be taken as it deems appropriate in the circumstances which is not inconsistent with this Part, the regulations or the by-laws.

sion 23. The complaints committee shall render its decision in writing setting forth its reasons for the decision and a copy of the decision and the reasons therefor shall be mailed to the member whose conduct or action was reviewed or investigated and to the complainant in accordance with the Act.

usion of
Statutory
rs Pro-
res Act,

24. Subject to the Act, the provisions of this Part respecting complaints or meetings of the complaints committee and any regulations or by-laws respecting the same shall prevail over the provisions of The Statutory Powers Procedures Act, 1971.

25. Notwithstanding the provisions of sections 20, 21, 22, 23, and 24, the Registrar shall, upon the direction in writing of the executive committee, refer the complaint to the discipline committee for hearing.

discipline
committee

26. (1) Forthwith after its election and appointment, Council shall appoint a discipline committee to exercise the disciplinary functions of the College and to impose the penalties hereinafter provided.

composition

(2) The discipline committee shall consist of four members of Council, one of whom shall be a member appointed to Council by the Minister.

quorum

(3) A majority of the members of the discipline committee shall constitute a quorum for all purposes.

officers

(4) The discipline committee shall appoint from its members a Chairman and a Secretary.

shall
conduct
hearing

27. (1) The discipline committee shall conduct a hearing whenever a question of professional misconduct is referred to it.

ability
Member

(2) A member who is alleged to be guilty of professional misconduct is subject to disciplinary action and, if found guilty, is liable to the penalties hereinafter provided.

Professional
conduct

28. A member may be found guilty of professional misconduct by the discipline committee if:

- (1) the member has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence, which conviction remains unreversed, but no disciplinary action shall be taken or any penalty imposed if the conviction is for an offence that, although indictable ought not, either from its nature or from the circumstances under which it was committed, to justify disciplinary action or the imposition of such penalty;
- (2) the member is guilty of infamous, disgraceful or improper conduct in a professional respect notwithstanding that he has been acquitted of a charge in any court in respect of the same matter;
- (3) a member is guilty of misconduct in a professional respect or of conduct unbecoming a dental technologist, or of non-compliance with the rules or ethics of the profession or of any action or conduct prejudicial to the public interest;
- (4) the member has been declared pursuant to any act to be mentally incompetent or mentally ill or has been found after due inquiry by a committee of the College incapable of continuing to practice by reason of age, physical

or mental disability, including addiction to alcohol, drugs or any other cause.

Penalties

29. Where, after a hearing, the discipline committee finds that a member is guilty of professional misconduct, it may by order do any one or more of the following:

- (1) reprimand a member, and if warranted, the fact of such reprimand shall be recorded on the Register;
- (2) suspend the certificate of registration of a member for a stated period and direct that the reinstatement of a member on the termination of such suspension be subject to such terms and conditions, if any, as it considers advisable;
- (3) impose upon a member a fine of not more than \$2,000;
- (4) direct that the imposition of any penalty be suspended or postponed for such period and upon such terms and conditions as it may designate and, upon compliance with such terms and conditions that any penalty imposed be remitted;
- (5) direct that the certificate of registration of a member be cancelled and the name of such member be removed from the Register;
- (6) direct a member to pay to the College the expense, or part of the expense, incurred by

the College in the investigation or hearing of any disciplinary matter in respect of which a member has been found guilty;

(7) direct that, where it appears that the proceedings were unwarranted, such costs as to it seem just be paid by the College to the member whose conduct was the subject of such proceedings;

(8) require any member who has been found to perform substandard services in respect of the procedure or performance of dental technology to present himself for such course or courses of prescribed instruction and at the end of such course or courses to present himself for such re-examination or re-examinations that is or are required to demonstrate his competence, and suspend the certificate of registration of such member pending satisfactory demonstration of his competence on such examination or examinations.

mission
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n of
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30. (1) A person whose certificate of registration has been cancelled may apply to Council for re-admission as a member as provided by the regulations, and Council shall subject to sub-section (3), consider the application and make such order as it considers advisable and may include as a term of any such order such conditions as Council considers advisable before the applicant is re-admitted as a member.

Termination
of Suspension

(2) A member whose certificate of registration has been suspended may apply to Council to have the suspension terminated and Council shall subject to subsection (3) consider the application and make such order it considers advisable and may include as a term of any such order such conditions as Council considers advisable before the suspension in respect of the applicant is terminated.

(3) Except with the consent of Council, no application for re-admission or termination of suspension shall be heard before the expiry of one year from the date of the cancellation or suspension of the certificate of registration.

(4) The decision of Council shall be final and from which there shall be no appeal.

Registration
Committee

31. (1) Forthwith after its election and appointment Council shall appoint a registration committee consisting of three members of Council.

Quorum

(2) A majority of the members of the registration committee shall constitute a quorum for all purposes.

Officers

(3) The registration committee shall appoint from its members a Chairman and a Secretary.

Function

(4) The registration committee shall consider and decide upon all applications for registration referred to it by the Registrar.

ancies

32. (1) Where there is a vacancy or vacancies on any committee, the remaining members of such committee may exercise all the powers of such committee so long as a majority of committee members remains in office.

(2) In the case of a vacancy or vacancies occurring on any committee through resignation or otherwise, Council shall appoint an elected member of Council to fill the vacancy or vacancies in respect of an elected member or members and shall appoint an appointed member of Council to fill the vacancy or vacancies in respect of an appointed member or members.

gnation

33. A member is entitled to use the designation "Dental Technician", "Registered Dental Technician", or the letters "D.T." or "R.D.T." or any other term, title or designation provided by the regulations and shall describe his business as a dental laboratory.

authorized
practice

34. (1) Subject to the rights and privileges expressly granted to other designated health disciplines pursuant to this Act, a person who is not a member shall not, by himself or together with any other person,

(a) practise, advertise or hold himself out as qualified or entitled to practise dental technology;

(b) provide or perform any service or act that is part of the practice of dental technology or undertake or

or purport to provide or perform
any such service or act;

- (c) take or use any term, title, or
designation representing or
implying that he holds a certificate
of registration to practice dental
technology or that he is a member; and
- (d) represent that he is, or take or use any
term, title, or designation representing
or implying that he practises or is
entitled or qualified to practise
dental technology, or that contains
the words "technician", "technology",
"dental technician", or "dental
technology" or any similar word or
words or any derivative thereof or
any letters, signs or abbreviations
having a similar significance.

(2) No member whose registration is cancelled
or while his registration is suspended shall practice
dental technology or do any of the things referred to in sub-
section (1).

(3) Proof of one offence is sufficient to
establish practice.

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hibited
Partner-
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ociations
Corpor-
ons

35. (1) No partnerships, associations of persons or corporations shall, except as permitted by this section, operate a dental laboratory.

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ps and
ociations

(2) No partnership or association of persons shall operate a dental laboratory

(i) unless the majority of partners or persons in association are members; and

(ii) unless a member at all times has direct and effective control and is in charge of the actual operations of the dental laboratory.

orations

(3) No corporation shall operate a dental laboratory

(i) unless the majority of its officers and directors are members;

(ii) unless a majority of each class of its shares is beneficially owned by and registered in the names of members; and

(iii) unless a member at all times has direct and effective control and is in charge of the actual operations of the dental laboratory.

- (4) Any partnership, association of persons or corporation operating a dental laboratory shall, at the written request of the Registrar, provide the Registrar with details concerning the membership composition, shareholdings and names of officers and directors of such partnership, association of persons or corporation as the case may be.

Exceptions

36.

Nothing in this Part or the regulations shall prohibit or be deemed to prohibit the following persons or parties from practising dental technology:

- (a) a dentist or dental surgeon under Part of this Act;
- (b) a physician under Part of this Act;
- (c) a hospital dispensary, university or municipal clinic acting on the prescription in writing or instructions of a dentist, dental surgeon or physician;
- (d) any person who is not a member employed by a member, a partnership, an association of persons or a corporation operating a dental laboratory, provided in the operation of such dental laboratory

at least one member is directly involved in the practise of dental technology for every eight persons who are not members and who are similarly involved in the practise of dental technology in such dental laboratory.

(2) Any member, partnership, association of persons or corporation employing any person pursuant to sub-section (1)(d) shall, at the written request of the Registrar, provide the Registrar with details concerning the number and identity of such persons so employed together with details of the number and identity of members employed.

39. (1) Every person who contravenes any of the provisions of section 34 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$2,000.00 and not more than \$4,000.00 and for every subsequent offence a fine of not less than \$5,000.00.

(2) Every person who contravenes any of the provisions of section 34 shall not be entitled to sue for the recovery of any fees or charges for any services performed or materials provided by him relating to the offence.

(3) All finds recovered under this section shall be paid over to the College.

Proceed-
ings to
Enjoin
Person
Convicted
From
Practising
Dental
Technology

40. (1) In addition to any other remedy, where a conviction has been registered against a person under the provisions of section 34, the College may apply to a judge of the Supreme Court by originating motion for an order enjoining the person convicted from engaging in the practise of dental technology, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

Order
Varying

(2) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under sub-section (1).

Burden
of Proof

41. In a prosecution under this Part the burden of proving membership in the College is upon the person charged with a contravention of this Part.

PART
RELATING TO
DENTISTRY

THE HEALTH DISCIPLINES ACT

Part relating to Dentistry

Interpretation 1. In this Part -

- (1) "Act" means The Health Disciplines Act;
- (2) "By-law" means by-laws enacted by the Council pursuant to this Part;
- (3) "College" means The Royal College of Dental Surgeons of Ontario;
- (4) "Council" means the governing body of the College;
- (5) "Dentist" or "Dental Surgeon" means a member of the College engaged in the practice or profession of dentistry or dental surgery;
- (a) "Dentistry" or "Dental Surgery" means any professional service usually performed by a dentist or a dental surgeon, and includes,
 - (a) the diagnosis or treatment of, and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, in

or from any human tooth, jaw or associated structure or tissue or any injury thereto,

- (b) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in clause (a) of subsection (6) of section 1, to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, or replacing, improving or supplementing any human tooth, associated structure or tissue, and
- (c) the taking or making, or the giving of advice or assistance or the providing of facilities for the taking or making of any impression, bite, cast or design preparatory to, or for

the purpose of, or with a view to
the making, producing, reproducing,
constructing, fitting, furnishing,
supplying, altering or repairing
of any such prosthetic denture,
bridge, appliance or thing;

- (7) "Member" means a member of the College;
- (8) "Practice" means the practice of dentistry or
dental surgery;
- (9) "Profession" means the profession of dentistry
or dental surgery;
- (10) "Professional misconduct" means misconduct as
defined by the regulations and includes infamous,
disgraceful or improper conduct in a professional
respect, professional incompetence, carelessness
in diagnosis or treatment, fraudulent or excessive
charging of fees, and failure or refusal to comply
with the rules or ethics of the profession as may
be prescribed by Council from time to time;
- (11) "Registrar" means the Registrar of the College;
- (12) "Regulations" means the regulations made under
this Part.

lege
tinued

2. (1) The Royal College of Dental Surgeons of Ontario is hereby continued as a self-regulatory body corporate without share capital.

ects

(2) The objects of the College are,

- (a) to regulate the practice of dentistry and to govern the profession in accordance with the Act, this Part, the regulations and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the profession; and
- (d) to establish, maintain and develop standards of professional ethics among its members,

in order that the public interest may be served and protected.

ers

(3) Incidental and ancillary to the objects set forth above, the College has power:

- (a) to have perpetual succession;
- (b) to contract and sue and be sued in its

corporate name;

- (c) to carry on any business capable of being conveniently carried on in connection with its objects or purposes or likely to enhance the value of or make profitable any of its property or rights;
- (d) to apply for, register, purchase, lease, acquire, hold, use, control, licence, sell, assign or dispose of, patents, formulae, licences, inventions, processes, distinctive marks and similar rights;
- (e) to enter into partnership or into any arrangement for sharing of profits, union of interests, co-operation, joint adventure, reciprocal concession or otherwise with any person, firm or association carrying on or engaged in or about to carry on or engage in any business or transaction that the College is authorized to carry on or engage in or any business or transaction capable of being conducted so as to benefit the College, and to lend money to, guarantee the contracts of, or otherwise assist any such person, firm

or association, and to take or otherwise acquire and hold shares and securities of any such person, firm or association, and to sell, hold, re-issue, with or without guarantee, or otherwise deal with the same;

- (f) to enter into arrangements with any public authority that seem conducive to the College's objects and obtain from any such authority any rights, privileges or concessions;
- (g) to lend money to any other person, firm or association having dealings with the College or with whom the College proposes to have dealings or to any other body corporate any of whose shares are held by the College;
- (h) to establish and support or aid in the establishment and support of associations, institutions, funds, or trusts for the benefit of employees or former employees of the College or its predecessors, or the dependants or connections of such

employees or former employees, and grant pensions and allowances, and make payments toward insurance or for any objects similar to those set forth in this section, and subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;

- (i) to promote any body corporate for the purpose of acquiring or taking over any of the property and liabilities of the College, or for any other purpose that may benefit the College;
- (j) to purchase, lease or take in exchange, hire or otherwise acquire any personal property and rights or privileges that the College may consider necessary or convenient for the purposes of its objects;
- (k) to construct, maintain and alter any buildings or works necessary or convenient for the College's objects and to contribute to, subsidize or otherwise assist or take part in the construction, improvement,

maintenance, working, management,
carrying out or control thereof;

- (1) to acquire by purchase, lease or otherwise and hold any land or interest therein necessary for the actual use and occupation of the College or for carrying out its objects, and when no longer necessary therefor, to sell, alienate or convey the same;
- (m) to take, hold and alienate real and personal property that has in good faith been mortgaged to the College by way of security for, or conveyed to it in satisfaction of, debts previously contracted in the course of its business, or purchased at judicial sales upon levy for such indebtedness, or otherwise purchased for the purpose of avoiding a loss to the College;
- (n) to raise or assist in raising money for and to aid by way of bonus, loan, promise,

endorsement, guarantee or otherwise, any person, firm or association with whom the College may have dealings or any of whose shares, securities or other obligations are held by the College and to guarantee the performance or fulfilment of any contracts or obligations of any such person, firm or association, and in particular to guarantee the payment of the principal of and interest on securities, mortgages and liabilities of any such person, firm or association;

- (o) to draw, make, accept, endorse, discount, execute and issue bills of exchange, promissory notes, bills of lading and other negotiable or transferable instruments;
- (p) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the College;
- (q) to publish books and periodicals or grant prizes and rewards or make donations to further the objects of the College;

- (r) to cause the College to be registered and recognized in any foreign jurisdiction or any province or territory of Canada, and to designate persons therein according to the laws of such foreign jurisdiction or province or territory to represent the College and to accept service for and on behalf of the College of any process or suit;
- (s) to pay all costs and expenses of or incidental to carrying out of the objects of the College;
- (t) to invest and deal with the moneys of the College not immediately required in such manner as may be determined;
- (u) to take or hold mortgages, hypothecs, liens and charges to secure payment of the purchase price, or of any unpaid balance of the purchase price, of any part of the property of the College of whatsoever kind sold by the College, or for any money due to the College from purchasers and others and to sell or otherwise dispose of any such mortgage, hypothec, lien or charge;

- (v) to borrow money for its purposes;
- (w) to acquire, take by gift, bequest, devise, donation, or otherwise any real or personal property for its objects, and to hold, sell, mortgage, lease, or dispose of any such real or personal property;
- (x) to do any of the above things and all things otherwise authorized by any law as principals, agents, contractors, trustees or otherwise, and either alone or in conjunction with others; and
- (y) to do all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the College.

(4) The powers of the College as hereinbefore set forth shall be in addition to any other powers or rights which may be lawfully exercised by the College pursuant to any existing or future law or right.

Head Office 3. The head office of the College shall be in the municipality of Metropolitan Toronto.

The Corpora- 4. (1) Sections 85 and 347 of The Corporations Act or
tions Act
not to Apply amendments thereto do not apply to the College.

cts (2) In the event of conflict between any provision of this Part and any provision of The Corporations Act or amendments thereto, the provision of this Part prevails.

ers
inued 5. (1) Every person who is registered with the College and holds a valid and unforfeited certificate of registration to practice dentistry is hereby continued as a member of the College.

(2) Every person who files with the Registrar an application in the form prescribed by the regulations and pays the fees prescribed by by-law and otherwise complies with the requirements for registration as provided by the regulations shall be registered as a member and shall be provided with a certificate of registration and thereupon shall have the rights, privileges, duties and obligations conferred by this Part.

(3) Every certificate of registration is renewable periodically as provided by the regulations.

al Fees 6. (1) Every member shall pay an annual licence fee to the College as is prescribed by by-law and such fee shall be deemed to be a debt due to the College and is recoverable by suit in the name of the College in any court of competent jurisdiction.

Default in
Payment of
Fees

(2) Where the annual licence fee is not paid within one month from the date upon which it becomes due, the Registrar shall send a written notice of such default by prepaid registered mail addressed to the member's latest address as shown on the records of the College, and, if payment is not made within two weeks thereafter, the member ceases to be registered under this Part.

Result of
Default in
Payment of
Fees

(3) A member is not entitled to recover in any court for services rendered in the practice of dentistry while he is in default in respect of the payment of the annual licence fee to the College.

Re-instatement

(4) A member in default of payment of the annual licence fee may be restored in good standing upon payment of the fee and an additional sum as may be prescribed by by-law.

Cessation of
Membership

7. (1) A person ceases to be a member of the College:

- (a) during any period that such person ceases to be registered under this Part;
- (b) upon filing with the Registrar a resignation in writing which shall be accepted by the Registrar if such

person is then in good standing with the College, subject to the continuing jurisdiction of the College with respect to any disciplinary action or inquiry arising out of professional conduct of members while registered.

tion (2) The Council or the Executive Committee thereof may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

anding (3) A member is in good standing if:

- (a) he holds a valid and unforfeited certificate of registration under this Part;
- (b) he has paid all fees, dues, fines and levies required to be paid to the College;
- (c) his professional conduct is not subject to any disciplinary action or inquiry or to any inquiry as to his mental or physical capacity.

tion 8. All rights and privileges of a member terminate upon such member ceasing to be registered under this Part or upon acceptance of his written resignation.

ssion 9. Every person who ceases to be a member may make

application for re-admission as a member by filing with the Registrar an application in the form prescribed by the regulations and by otherwise complying with the requirements for re-admission as provided by the regulations, and shall be registered as a member and shall be provided with a certificate of registration and thereupon shall have the rights, privileges, duties and obligations conferred by this Part.

Council

10. (1) The Board of Directors of the College is hereby continued as the Council, which shall manage and administer the affairs of the College.

To be
Canadians

(2) Each member of Council shall be a Canadian citizen and, save and except for the three members appointed by the Lieutenant Governor in Council, each member shall be a member of the College.

Composition
of Council

11. The Council shall be constituted as follows:

(1) One member of Council shall be elected from each electoral district established by by-law, except for the electoral district of York from which two members of Council shall be elected.

(2) (a) Three members of Council shall be

appointed by the Lieutenant Governor
in Council.

(b) The College may recommend persons
for appointment by the Lieutenant Governor
in Council, but such recommendation shall
not be binding upon the Lieutenant Governor
in Council.

(3) One member of Council shall be appointed by
and from each Faculty of Dentistry of each
dental school in Ontario.

tion and
intment

12. (1) Subject to sub-sections (2) and (3), the election
and appointment of members of Council shall take place
every two years and all members of Council then in office
shall retire, but, if qualified, are eligible for re-
election or re-appointment.

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(2) If the election or appointment of members of
Council is not held or effected within the prescribed
period, the members of Council then in office continue
in office until their successors are elected or appointed.

(3) After an election and appointment of members of
Council, the retiring members of Council shall continue to
hold office until the first meeting of the newly elected
members of Council.

Members' Right
to Elect

(4) Only members in good standing shall be entitled to vote for a member of Council and only in the electoral district in which the principal residence of a voting member is located.

Officers

13. (1) The Council shall after each election elect from among its members a President and Vice President.

(2) The Council shall after each election appoint a Registrar, a Treasurer and a Secretary and may appoint such other officers as it considers necessary, any two or more of such appointive offices may be held by one person.

Meetings

14. (1) Meetings of Council shall be held at such time and place as provided by the by-laws.

Remuneration
and Expenses

(2) The members of Council shall be paid such fees for attendances at meetings and such reasonable travelling expenses as provided by by-law.

Quorum

15. (1) Subject to sub-section (2), no business shall be transacted by Council except at a meeting of Council at which a majority of the members is present.

Signing By-
laws and
Resolutions

(2) Any by-law or resolution signed by all the members of Council is as valid and effective as if passed at a meeting of Council duly called, constituted and held for that purpose.

Resignation
and
vacancies

16. (1) A member of Council may at any time resign his office by notice in writing to the Secretary of the College.

(2) Where there is a vacancy or vacancies on Council, the remaining members of Council may exercise all the powers of Council so long as a majority of Council members remains in office.

(3) In the case of a vacancy or vacancies occurring on Council through resignation or otherwise,

(a) where the vacancy or vacancies occur in the representation of an electoral district more than six months prior to date a general election for members of Council is required to be held, an election shall be held for the electoral district in which the vacancy occurs to fill the vacancy or vacancies for the remainder of the term;

(b) where the vacancy or vacancies occur within six months prior to the date a general election for members of Council is required to be held, the remaining members of Council shall forthwith appoint a member or members to fill the vacancy or vacancies for

the remainder of the term;

- (c) where the vacancy or vacancies occur in the representation of a Faculty of Dentistry of a dental school in Ontario, another member of such Faculty of Dentistry shall be appointed by and from such Faculty of Dentistry to fill the vacancy or vacancies for the remainder of the term; and
- (d) where a vacancy or vacancies occur in the representation of members of Council appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall forthwith fill the vacancy or vacancies by the appointment of a duly qualified person or persons for the remainder of the term. The College may recommend a person or persons for appointment by the Lieutenant Governor in Council, but such recommendation shall not be binding upon the Lieutenant Governor in Council.

Regulations 17. (1) Subject to the approval of the Lieutenant Governor in Council, Council may make regulations respecting any

matter that is outside the scope of the by-law making powers specified in section 18 and, without limiting the generality of the foregoing,

- (a) respecting any matter ancillary to the provisions of this Part with regard to the admission, registration, conduct and discipline of members, the suspension and restoration of their rights and privileges, the cancellation of memberships, the resignation of members, and the re-admission of persons who cease to be members;
- (b) prescribing standards of practice for the profession;
- (c) providing for the inspection of premises and records of members;
- (d) defining professional misconduct for the purposes of this Part;
- (e) providing for the gathering and compiling of statistical information;
- (f) prescribing the educational requirements, clinical training and experience, the scope and conduct of examinations and other requirements for admission to practice;

- (g) prescribing requirements for continuing education of members;
- (h) defining classes of specialists and prescribing their qualifications;
- (i) regulating the use of terms, titles or designations by members;
- (j) providing for the preparation, publication and distribution of a code of professional conduct and ethics;
- (k) providing for payment to the College by members of the cost of investigations;
- (l) defining conflicts of interest respecting members; and
- (m) respecting the reporting and publication of decisions in disciplinary matters.

(2) Council may propose changes in legislation.

By-laws 18. (1) Subject to section 17, Council may enact such by-laws as it deems necessary relating to the administration and management of the College, and without limiting the generality of the foregoing, may enact by-laws:

- (a) providing procedures for the enactment, amendment and revocation of by-laws;
- (b) prescribing the seal of the College;
- (c) providing for the execution of documents by the College;

- (d) respecting the borrowing of money and the giving of security therefor;
- (e) respecting the management of property belonging to the College;
- (f) respecting the remuneration and payment of expenses of members of Council and committees;
- (g) respecting the holding and conduct of meetings;
- (h) respecting the election or appointment, duties and removal of officers and servants of the College and their remuneration;
- (i) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (j) providing for the time and manner and the methods and procedures for the election and appointment of members of Council;
- (k) providing for the establishment, composition jurisdiction and operation of committees, other than statutory committees, and delegating to such committees such powers

and duties as may be considered necessary;

- (l) prescribing annual and other fees, levies and assessments under this Part, and providing for the payment, remission or exemption thereof;
- (m) providing for bursaries, scholarships, medals and prizes;
- (n) prescribing forms and providing for their use, save and except forms of summonses;
- (o) respecting the application of the funds of the College and the investment and re-investment of any funds not immediately required, and for the safekeeping of its securities;
- (p) respecting the determination and modification of the boundaries of electoral districts for the purposes of the election of members of Council; and
- (q) respecting all other matters necessary or convenient for the attainment of the objects of the College and the efficient conduct of its affairs.

By-laws
Filed

- (2) A copy of by-laws enacted pursuant to subsection

(1) shall be filed with the Board and shall be available for public inspection in the office of the Registrar.

By-laws
Effective

(3) A by-law shall become effective when it has been enacted by Council and shall remain in force until amended or repealed by Council.

(4) By-laws enacted pursuant to subsection (1) shall be interpreted as if they were contained in this Part.

Powers
of Board

19. The Board may

- (1) review the activities of Council;
- (2) request Council to undertake activities that are necessary and advisable to carry out the intent of the Act and this Part;
- (3) require Council to provide such reports and information as the Board requires including information from the registers of the College;
- (4) call meetings with Council or any committee thereof;
- (5) advise Council with respect to the implementation of proposed legislation or regulations and with respect to the methods used or proposed to be used by Council to implement policies and to enforce regulations and procedures;

- (6) review and comment on proposals by Council for changes in legislation or regulations;
- (7) consider the by-laws of Council and advise Council with respect to proposed implementation or revision of such by-laws; and
- (8) request Council to make regulations respecting any of the matters concerning which Council is empowered to make regulations under this Part.

Executive
Committee

20. (1) Council shall annually elect from among its members an executive committee consisting of not fewer than three and not more than five members and may delegate to the executive committee any powers of Council, subject to the restrictions, if any, imposed from time to time by Council.

Composition

- (2) The executive committee shall be composed of:
 - (a) the President and Vice President of the College;
 - (b) any other member or members of Council, not to exceed three.

Officers

(3) The President of the College or in his absence, the Vice President of the College shall be the Chairman of the executive committee.

Quorum

(4) A majority of members of the executive committee shall constitute a quorum for all purposes.

Functions

(5) The executive committee shall perform such functions as are delegated to it by Council or as require immediate action or attention between meetings of Council.

Complaints
Committee

21. (1) Forthwith after its election and appointment, Council shall appoint a complaints committee consisting of three members of Council, one of whom shall be a member appointed to Council by the Lieutenant Governor in Council.

Restriction

(2) No member of the complaints committee shall be a member of the discipline committee.

Quorum

(3) A majority of the members of the complaints committee shall constitute a quorum for all purposes.

Functions

(4) The complaints committee shall have power to review, consider, inspect and investigate complaints or reports regarding members or to cause inspections and investigations to be made in connection with such complaints or reports, including inspections and investigations at all reasonable times, of the offices and records of members in respect of whom a complaint or report has been received.

Complaints

22. (1) No action shall be taken by the complaints committee unless a complaint in writing has been filed in the office of

the Registrar and a copy thereof has been sent by prepaid registered post to the member in respect of whom a complaint or report has been received.

Registrar
to
Investi-
gate

(2) After the member has been notified as aforesaid, the Registrar shall make such preliminary investigation as he deems proper, and where in his opinion there is reasonable ground for believing that the complaint is or may be justified, he shall refer the matter to the complaints committee.

Referral
to Com-
plaints
Committee

(3) Upon referral of the matter by the Registrar to the complaints committee, the Registrar shall, at least one week prior to the date of the meeting of the complaints committee, inform the member whose conduct or action is being reviewed or investigated,

(a) that the matter has been referred to the complaints committee;

(b) of the time, date and place of the meeting of the complaints committee at which the matter will be considered; and

(c) invite the member to submit in writing prior to the meeting of the complaints committee any explanations or representations he may wish to make concerning the

complaint and, if he so requests, to appear before the complaints committee to make oral submissions on his behalf.

sposi-
on by
mplains
mmittee

23. The complaints committee shall thereupon consider the material before it, including any oral submissions heard, and may direct:

- (a) that no inquiry be held in the matter by the discipline committee;
- (b) that the matter in question shall, in whole or in part, be referred to the discipline committee; or
- (c) that, if the matter is not one that need be referred to the discipline committee, such action be taken as it deems appropriate in the circumstances which is not inconsistent with this Part, the regulations or the by-laws.

cision

24. The complaints committee shall renders its decision in writing and a copy of the decision shall be mailed to the member whose conduct or action was reviewed or investigated and to the complainant in accordance with the Act.

Exclusion
of The
Statutory
Powers Pro-
cedures Act,
1971

25. Subject to the Act, the provisions of this Part respecting complaints or meetings of the complaints committee and any regulations or by-laws respecting the same shall prevail over the provisions of The Statutory Powers Procedures Act, 1971.

Discipline
Committee

26. (1) Forthwith after its election and appointment, Council shall appoint a discipline committee to exercise the disciplinary functions of the College and to impose the penalties hereinafter provided.

Composition

(2) The discipline committee shall consist of five members of Council, one of whom shall be a member appointed to Council by the Lieutenant Governor in Council.

Quorum

(3) A majority of the members of the discipline committee shall constitute a quorum for all purposes.

Shall Con-
duct
Hearing

27. (1) The discipline committee shall conduct a hearing whenever a question of professional misconduct is referred to it.

(2) All hearings of the discipline committee shall be in the municipality of Metropolitan Toronto unless the discipline committee shall otherwise decide.

(3) A matter to be referred to discipline committee shall be referred to it by either the complaints committee

or by the Registrar on the approval of the President of the College.

(4) A member who is alleged to be guilty of professional misconduct or is alleged to be unfit to practice is subject to disciplinary action and, if found guilty, is liable to the penalties hereinafter provided.

28. A member may be found guilty of professional misconduct or unfit to practice by the discipline committee if:

(1) the member has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence, which conviction remains unreversed, but no disciplinary action shall be taken or any penalty imposed if the conviction is for an offence that, although indictable ought not, either from its nature or from the circumstances under which it was committed, to justify disciplinary action or the imposition of such penalty;

(2) the member is guilty of infamous, disgraceful or improper conduct in a professional respect notwithstanding that he has been acquitted of a charge in any court in respect of the same matter;

(3) a member is guilty of misconduct in a professional respect or of conduct unbecoming a dental practitioner, or of non-compliance with the rules or ethics of the profession or of any action or conduct prejudicial to the public interest;

(4) the member has displayed in his professional care of a patient or patients a lack of knowledge, skill or judgment, or disregard for the welfare of such patient or patients of a nature and to a degree or extent that renders him unfit to continue to practice; or

(5) the member has been declared pursuant to any act to be mentally incompetent or mentally ill or has been found after due inquiry by a committee of the College incapable of continuing to practice by reason of age, physical or mental disability, including addiction to alcohol, drugs or any other cause.

Penalties

29. Where, after a hearing, the discipline committee finds that a member is guilty of professional misconduct or that a member is unfit to practice, it may by order to any one or more of the following:

- (1) reprimand a member, and if warranted, the fact of such reprimand shall be recorded on the record of such member;
- (2) suspend the certificate of registration of a member for a stated period and direct that the reinstatement of a member on the termination of such suspension be subject to such terms and conditions, if any, as it considers advisable;
- (3) impose upon a member a fine of not more than \$ 5,000;
- (4) direct that the imposition of any penalty be suspended or postponed for such period and upon such terms and conditions as it may designate and, upon compliance with such terms and conditions that any penalty imposed be remitted;
- (5) direct that the certificate of registration of a member be cancelled and the name of such member be removed from the register of the College;
- (6) direct a member to pay to the College the expense, or part of the expense, incurred by the College in the investigation or hearing of any disciplinary matter in respect of which a member has been found guilty;
- (7) direct that, where it appears that the

proceedings were unwarranted, such costs as to it seem just be paid by the College to the member whose conduct was the subject of such proceedings;

(8) require any member who has been found to perform substandard dental services in general or in some specific branch of dentistry in particular to present himself for such course or courses of prescribed instruction and at the end of such course or courses to present himself for such re-examination or re-examinations that is or are required to demonstrate his competence, and suspend the certificate of registration of such member pending satisfactory demonstration of his competence on such examination or examinations.

Re-admission after cancellation of certificate of Registration 30. (1) A person whose certificate of registration has been cancelled may apply to Council for re-admission as a member as provided by the regulations, and Council shall subject to sub-section (2), consider the application and make such order as it considers advisable and may include as a term of any such order such conditions as Council considers advisable before the applicant is re-admitted as a member.

(2) Except with the consent of Council, no application for re-admission shall be heard before the expiry of two years from the date of the cancellation of the certificate of registration.

(3) The decision of Council shall be final and from which there shall be no appeal.

istration
nittee

31. (1) Council shall annually appoint a registration committee which shall consider and decide upon all applications for registration referred to it by the Registrar.

(2) The registration committee shall be composed of three members of Council, one of whom shall be a member appointed to Council by the Lieutenant Governor in Council.

(3) A majority of the members of the registration committee shall constitute a quorum for all purposes.

hibition
inst
ablishing
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32. (1) No person, firm or association, other than the College or a publically supported educational institution, shall offer or conduct any course for training or instruction in any branch of dentistry or practice management or grant degrees in dentistry or establish in Ontario any school, college, laboratory or other institution for training or instruction in any branch of dentistry or practice management without the prior consent in writing of the College.

(2) The College may at any time revoke any consent given under this section.

Prohibition
Against
Practice
without
Certificate
of
Registration

33. (1) Subject to the rights and privileges expressly granted by law to other designated health disciplines, a person who is not a member shall not, by himself or together with any other person,

- (a) practice, advertise or hold himself out as qualified or entitled to practice dentistry or any branch thereof;
- (b) provide or perform any service, act or operation that is part of the practice of dentistry or any branch thereof, or undertake or purport to provide or perform any such service, act or operation;
- (c) make, produce, reproduce, construct, fit, furnish, supply, alter or repair any prosthetic denture, bridge, appliance or thing to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition in the human oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, or give any advice or assistance in connection

therewith, except on the prescription in writing or instructions of a member and, where the use of a design, impression or cast is required, except by the use of a design, impression or cast furnished by a member together with such prescription in writing or instructions;

(d) take or use any name, title, addition or description representing or implying that he holds a certificate of registration to practice dentistry or that he is a member;

(e) represent that he is, or take or use any name, title, addition or description representing or implying that he is a graduate of a dental school or that he practices or is entitled or qualified to practice dentistry or any branch thereof, or that contains the words "dentist", "dentistry", "dental", "dental surgeon", or "dental surgery", or any similar word or words or any derivative thereof or any letters, signs or abbreviations having a similar significance;

(f) except with the written permission of Council, have in any place or location whatsoever dental or similar equipment, and the presence of such equipment in such place or location shall be

prima facie evidence that the practice of dentistry is being carried on.

Idem

(2) No member whose registration is cancelled or while his registration is suspended shall practice dentistry or do any of the things referred to in sub-section (1).

Saving as
to Certain
Matters

(3) No work, service, advice, treatment or assistance described in clause (c) of sub-section (1) that is undertaken, performed or given by a person pursuant to a prescription in writing or instructions of a member and no use of a design, impression or cast furnished by a member together with such prescription in writing or instructions shall be deemed to be a contravention of this section.

Saving as
to Students

(4) Nothing in this section prevents any student of dentistry from receiving, as part of his formal training, instruction in public hospitals, clinics and faculties of dentistry or in practice under the personal supervision of a member.

(5) Proof of one offence is sufficient to establish practice.

Offence

34. (1) Every person who contravenes any of the provisions of section 33 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not

less than \$1,000 and not more than \$5,000 and for every subsequent offence a fine of not less than \$5,000 or imprisonment up to six months or both.

(2) Every person who contravenes any of the provisions of section 33 shall not be entitled to sue or recover in any court for any services performed or materials provided by him relating to the offence.

35. (1) Upon information on oath by a duly authorized agent of the College that he has reasonable cause to believe that there is in any building or premises any dental equipment, materials or supplies that is being, has been or is likely to be used contrary to this Part, or that any prosthetic denture, bridge, appliance, or thing is being, has been, or is likely to be made, produced, reproduced, fitted, constructed, furnished, supplied, altered or repaired, contrary to this Part, it is lawful for any justice of the peace, by warrant under his hand, to authorize and empower such agent or any other person named therein to enter and search the building or premises and every part thereof by day or night and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof, or any closet,

cupboard, box or any recepticle therein that might contain any such dental equipment, prosthetic denture, bridge, appliance or thing and to seize anything found therein that may be evidence that an offence under this Part has been, is being or will be committed.

Forfeiture

(2) Where a conviction has been registered by reason of a contravention of section 33, anything that has been seized pursuant to sub-section (1) shall forfeit to the Crown and shall be disposed of or dealt with as the Attorney General may direct.

**Proceedings
to Enjoin
Person
Convicted
From Prac-
ticing Den-
tistry**

36. (1) In addition to any other remedy, where a conviction has been registered against a person by reason of a contravention of section 33, the College may apply to a judge of the Supreme Court by originating motion for an order enjoining the person convicted from engaging in the practice of dentistry, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

**Order
Varying**

(2) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under sub-section (1).

burden of
proof

37. In a prosecution under this Part the burden of proving,

(a) membership in the College,

(b) that any prescription was or instructions were given by a member;

(c) that any design, impression or cast used in complying with such prescription or instructions was furnished by a member,

is upon the person charged with a contravention of this Part.

PART
RELATING TO
HEALTH RECORD SCIENCE

THE HEALTH DISCIPLINES ACT

Part relating to Health Record Science

1. In this Part

Interpre- tation

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" means by-laws made under this Part;
- (c) "College" means the College of Health Record Administrators;
- (d) "Council" means the Council of the College;
- (e) "practice of health record science" means the compilation and custody of health records and the provision of a health information service;
- (f) "Record Librarian" and "Record Technician" mean a member of the College engaged in the practice of health record science;
- (g) "Register" means the register as provided in regulations made under this Part;
- (h) "Registrar" means the Registrar of the College;
- (i) "Registration" means the listing of members on a Register and for the purposes of this Part includes certification;
- (j) "Regulations" means the regulations made under this Part;

Establish- ment of the College

- 2. (1) The College of Health Record Administrators hereinafter called the College, is established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

Objects

3. The objects of the College are

- (a) to regulate the practice of Health Record Science and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the practice of health record science.
- (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

Membership
in the
College

4. (1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.

(2) Membership is terminated

- (a) during any period that the member's name has been erased or suspended from the register
- (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.

(3) A member is in good standing if

- (a) he holds a current valid certification of registration under this Act;
- (b) he is not indebted to the College;
- (c) his professional conduct is not at that time subject to disciplinary charge or injury by the discipline committee or inquiry as to his mental or physical capacity.

- (4) A Council of the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
the College

5. (1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.
- (2) The Council shall be composed as follows:
- (i) Seven members of the College.
- (ii) Two lay persons to be appointed by the Lieutenant Governor in Council.
- (3) For the first Council the members referred to in subsection (2)(i) shall be appointed by the Minister of Health, five of whom shall be nominated by the Ontario Society of Medical Record Librarians, and of the seven members, two shall be persons eligible to be registered as Record Technicians under this Part, and five shall be persons eligible to be registered as Record Librarians under this Part.
- (4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.
- (5) The Council shall annually elect a President and Vice-President from among its members.

- (6) The Council shall appoint during pleasure a Registrar and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.

General
Powers of
the Council

6. (1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.
- (2) The Council shall establish and maintain such registers as the Council considers may be required and may publish a list of those registered.

Relation-
ship of
College to
Board

7. The Board may
- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;

- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Regulations 8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the readmission of former members;
- (3) prescribing the requirements for admission to practice;
- (4) prescribing the manner of registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;

- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of health and science.
- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration and re-registration and examination.

- laws 9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, and the Regulations, and without limiting the generality of the foregoing:
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;

- (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
- (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
- (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
- (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
- (i) providing for the appointment of and prescribing the remuneration of the Registrar;
- (j) prescribing forms and providing for their use;
- (k) providing procedures for the making, amending and revoking of the by-laws;
- (l) respecting management of the property of the College;
- (m) respecting the application of the funds for College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
- (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;
- (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
 - (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

Establish-
ment of
Committees

- 10. The Council may appoint from among its members an Executive Committee and shall appoint from among its members the following committees,
 - (1) Registration
 - (2) Complaints
 - (3) Discipline.

Executive
Committee

- 11. (1) The Executive Committee shall be composed of:
 - (a) the President, who shall be Chairman of the Committee;
 - (b) the Vice-President;
 - (c) one member of the Council, who may be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) A majority of the members constitutes a quorum.
- (3) The Committee may deal with matters referred by Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing policy to remain in effect only until after the next ensuing session of the Council unless confirmed at this session; but the Committee

has no power to alter, suspend or repeal any by-laws of the Council.

Registra-
tion Committee

12. (1) The Registration Committee shall be composed of all the members of Council;
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may:
 - (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in Section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council, and two additional members of the College appointed by the Council annually.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the committee to be Chairman.
- (4) A majority of the members constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
- (b) the member whose conduct is being investigated has given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;

- (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if he so requests, to appear before the Committee to give oral evidence on his behalf.
- (6) The Committee in accordance with its findings may direct that,
 - (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in Section 6 of Part 1 of this Act.
- (9) Notwithstanding subsection 6, the Council, the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

14. (1) The Discipline Committee shall be composed of five members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) Three members of the Committee constitute a quorum.
- (3) Where this is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee or the Council, or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;

- (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the Regulations.
 - (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional duties, lack of knowledge, skill or judgement or disregard for the welfare of a patient of a nature or to a degree or extent that renders him unfit to continue in practice.
15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,
- (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
- (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;

- (d) determine the sanctions to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

(3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

- (a) direct the Registrar to erase the name of the member from the register on which he is registered;
- (b) suspend the member for a stated period from the register on which he is registered;
- (c) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
- (d) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.

(4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.

(5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.
17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
- (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
- (3) Notwithstanding the above provision of this section, the Council may restore the applicant to the register without referral to the Discipline Committee.

- | | | |
|-----------------|---------|---|
| Use of
Title | 18. (1) | Any person not registered under this Part who assumes, uses or employs the title Record Librarian, Registered Record Librarian, Registered Medical Record Librarian, Record Technician or Registered Record Technician, or any affix or prefix indicative of such functions, is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided. |
| Penalties | (2) | Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$1,000., for a second offence to a fine of not more than \$2,000. |
| Fines | 19. | Any fines payable for offences under this Part shall be paid to the Crown. |

PART
RELATING TO
HEALTH TECHNOLOGY

Part relating to Health Technology

Inter-pretation

1. In this Part

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" mean the by-laws made under this Part;
- (c) "cardiology technologist" means a member of the College engaged in the practice or profession of cardiology technology;
- (d) "College" means the College of Health Technologists;
- (e) "Council" means the Council of the College;
- (f) "electroencephalograph technologist" means a member of the College engaged in the practice or profession of electroencephalograph technology;
- (g) "member" means a member of the College;
- (h) "practice of cardiology 'echnology" means the recording of electrical discharge patterns of the heart muscle to assist the physician in the diagnosis, treatment, management and care of patients with heart and associated disorders;
- (i) "practice of electroencephalograph technology" means the recording of the chemical activity of the brain cells through the unopened skull;
- (j) "practice of respiratory technology" means the scientific application of technology to assist a physician in the diagnosis, treatment, management and care of patients with respiratory and associated disorders;
- (k) "Register" means the register as provided in the regulations made under this Part;
- (l) "Registrar" means the Registrar of the College;
- (m) "Registration means the listing of members on a Register and for the purposes of this Part includes certification;
- (n) "Regulations" means the regulations made under this Part;
- (o) "respiratory technologist" means a member of the College engaged in the practice or profession of respiratory technology.

Establish-
ment of the
college

2. The College of Health Technologists hereinafter called the College, is established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

Objects

3. The objects of the College are
- (a) to regulate the practice of cardiology technology, electroencephalograph technology and respiratory technology and to govern those registered in accordance with the Act, this Part, the Regulations, and the by-laws;
 - (b) to establish, maintain and develop standards of knowledge and skill among its members;
 - (c) to establish, maintain and develop standards of qualification and practice for the practice of cardiology technology, electroencephalograph technology and respiratory technology;
 - (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

Membership
in the
College

4. (1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.
- (2) Membership is terminated
 - (a) during any period that the member's name has been erased or suspended from the register;
 - (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.
- (3) A member is in good standing if
 - (a) he holds a current valid certification of registration under this Act;
 - (b) he is not indebted to the College;
 - (c) his professional conduct is not at that time subject to disciplinary charge or injury by the discipline committee or inquiry as to his mental or physical capacity.
- (4) A Council of the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
the College

5. (1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.
- (2) The Council shall be composed as follows:
 - (i) Nine members of the College;
 - (ii) Three lay persons to be appointed by the Lieutenant Governor in Council;

- (3) For the first Council the members referred to in subsection (2)(i) shall be appointed by the Minister of Health, two of whom shall be nominated by The Cardiology Technologists Association of Ontario, two of whom shall be nominated by the Ontario Society of Electroencephalograph Technicians, two of whom shall be nominated by the Canadian Society of Respiratory Technologists, Ontario Division, all of whom shall be persons eligible to be registered under this Part.
- (4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.
- (5) The Council shall annually elect a President and Vice-President from among its members.
- (6) The Council shall appoint during pleasure a Registrar and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.
6. (1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.
- (2) The Council shall establish and maintain such registers as the Council considers may be required and shall publish a list of those registered.

Relationship
of College
to Board

7.

The Board may

- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Regulations

8.

Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the readmission of former members;

- (3) prescribing the requirements for admission to practice;
- (4) prescribing the manner of registering and re-registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;
- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain standards of practice of cardiology technology, electroencephalograph technology and respiratory technology;
- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration, re-registration and examination;
- (16) establishing committees composed of members registered under each category to advise the Council on matters pertaining to that category.

By-laws

9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act and the Regulations, and without limiting the generality of the foregoing:
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
 - (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
 - (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
 - (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
 - (i) providing for the appointment of and prescribing the remuneration of the Registrar;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the College;
 - (m) respecting the application of the funds for the College and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
 - (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;

- (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

(2) A copy of the By-laws made under subsection 1, as amended from time to time,

- (a) shall be forwarded to the Health Disciplines Board; and
- (b) shall be available for public inspection in the office of the College.

Establish-
ment of
committees

10. The Council shall appoint from among its members the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline.

Executive
Committee

11. (1) The Executive Committee shall be composed of

- (a) the President, who shall be Chairman of the Committee;
- (b) the Vice-President;
- (c) two members of the Council, one of whom may be a member appointed to the Council by the Lieutenant Governor in Council, but each category of members shall be represented on the Executive Committee.

(2) A majority of the members constitutes a quorum.

(3) The Committee may deal with matters referred by the Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing

policy to remain in effect only until after the next ensuing session of the Council unless confirmed at this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

Regis-
tration
Committee

12. (1) The Registration Committee shall be composed of all the members of the Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may
 - (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the Committee to be Chairman.
- (4) Two members of the Committee constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
- (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
- (c) the Committee has examined all records and other documents relating to the complaint;
- (d) the member whose conduct is being investigated is permitted, if he so requests, to appear before the Committee to give oral evidence on his behalf.

- (6) The Committee in accordance with its findings may direct that,
 - (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.
- (9) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

14. (1) The Discipline Committee shall be composed of four members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council, and in addition for each hearing held under subsection 5, may add one member from the category in which the member whose conduct is being investigated is registered.
- (2) Three members of the Committee constitute a quorum.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.

- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the sanctions herein-after provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature or to a degree or extent that renders him unfit to continue in practice.

15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,
 - (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as herein-after provided in cases in which it finds the member guilty of professional misconduct or of incompetence.
- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,
 - (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;

- (d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (e) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.
16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.

17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
- (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
- (3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.

Use of
title

18. (1) Any person not registered under this Part who assumes, uses or employs the title "cardiology technologist", "electroencephalograph technologist" and "respiratory technologist", or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

- (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for the second offence to a fine of not more than \$2,000.

19. Any fines payable for offences under this Part shall be paid to the Crown.

PART
RELATING TO
MEDICAL LABORATORY TECHNOLOGY

Part relating to Medical Laboratory Technology

Inter- pretation

1. In this Part

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" mean the by-laws made under this Part;
- (c) "College" means the College of Medical Laboratory Technologists;
- (d) "Council" means the Council of the College;
- (e) "medical laboratory technologist" means a member of the College engaged in the practice or profession of medical laboratory technology;
- (f) "member" means a member of the College;
- (g) "practice of medical laboratory technology" means the performance and knowledge of laboratory investigations related to health care;
- (h) "Register" means the register as provided in the regulations made under this Part;
- (i) "Registrar" means the Registrar of the College;
- (j) "registration" means the listing of members on a Register and for the purposes of this Part includes certification;
- (k) "Regulations" mean the regulations made under this Part.

Establish-
ment of the
College

2. The College of Medical Laboratory Technologists hereinafter called the College, is established as a corporation without share capital with authorization for the purpose of this Part to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

Objects

3. The objects of the College are
 - (a) to regulate the practice of medical laboratory technology and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
 - (b) to establish, maintain and develop standards of knowledge and skill among its members;
 - (c) to establish, maintain and develop standards of qualification and practice for the practice of medical laboratory technology;
 - (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

Membership
in the
College

4. (1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.

- (2) Membership is terminated
 - (a) during any period that a member's name has been erased or suspended from the register;
 - (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.
- (3) A member is in good standing if
 - (a) he holds a current valid certification of registration under this Act;
 - (b) he is not indebted to the College;
 - (c) his professional conduct is not at that time subject to disciplinary charge or injury by the discipline committee or inquiry as to his mental or physical capacity.
- (4) A Council of the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
the College

- 5. (1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.
- (2) The Council shall be composed as follows:
 - (i) twelve members of the College, at least one of whom is employed as a full time teacher of medical laboratory technology;
 - (ii) three lay persons to be appointed by the Lieutenant Governor in Council.

(3) For the first Council the members referred to in subsection (2)(i) shall be appointed by the Minister of Health, seven of whom shall be nominated by the Ontario Society of Medical Technologists, all of whom shall be persons eligible to be registered under this Part.

(4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.

(5) The Council shall annually elect a President and Vice-President from among its members.

(6) The Council shall appoint during pleasure a Registrar and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.

General
Powers of
the Council

6. (1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.

(2) The Council shall establish and maintain such registers as the Council considers may be required and shall publish a list of those registered.

Relationship
of College
to Board

7.

The Board may

- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Regulations

8.

Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the readmission of former members;

- (3) prescribing the requirements for admission to practice;
- (4) prescribing the manner of registering and re-registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;
- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of medical laboratory technology;
- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration, re-registration and examination.

By-laws

9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Statute and the Regulations, and without limiting the generality of the foregoing
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents of the College;
 - (c) respecting banking and financial matters;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of the President and Vice-President of the College, the filling of a vacancy in the offices, and prescribing the duties of the President and Vice-President;
 - (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
 - (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
 - (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
 - (i) providing for the appointment of and prescribing the remuneration of the Registrar;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the College;
 - (m) respecting the application of the funds for the College and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
 - (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;

- (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

(2) A copy of the By-laws made under subsection 1, as amended from time to time,

- (a) shall be forwarded to the Health Disciplines Board; and
- (b) shall be available for public inspection in the office of the College.

ublish-
t of
mittees

10. The Council shall appoint from among its members the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline.

cutive
mittee

11. (1) The Executive Committee shall be composed of

- (a) the President, who shall be Chairman of the Committee;
- (b) the Vice-President;
- (c) three members of the Council, one of whom may be a member appointed to the Council by the Lieutenant Governor in Council.

(2) A majority of the members constitutes a quorum.

(3) The Committee may deal with matters referred by the Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing

to remain in effect only until after the next
suing session of the Council unless confirmed at
this session; but the Committee has no power to alter,
suspend or rescind any by-laws of the Council.

Regis-
tration
Committee

12. (1) The Registration Committee shall be composed of four
members of the Council, one of whom is a member appointed
by the Lieutenant Governor in Council and one
of whom is employed as a full time teacher of medical
laboratory technology.
- (2) The Council shall name one member of the Committee to be
Chairman.
- (3) Three members shall constitute a quorum.
- (4) The Committee shall consider and decide upon applications
for exemption from admission requirements for membership.
- (5) The Registrar and the Committee, in accordance with its findings,
shall
admit the applicant to any examinations or the
Register or both, upon payment of the required fees; or
prescribe conditions to be met by the applicant to
establish his eligibility for admission to examinations
or a Register or both; or
propose to refuse the applicant to an examination
or the Register or both.
- (6) The Registration Committee shall prepare a report of each
decision or proposed decision with reasons and submit this
to the Registrar, and a copy of the decision or proposed
decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the Committee to be Chairman.
- (4) Two members of the Committee constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if he so requests to appear before the Committee to give oral evidence on his behalf.

- (6) The Committee in accordance with its findings may direct that,
 - (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.
- (9) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

- 14. (1) The Discipline Committee shall be composed of three members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) Two members of the Committee constitute a quorum.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.

- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the sanctions hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct as prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional duties lack of knowledge, skill or judgment, or disregard for the welfare of patients of a nature or to a degree or extent that renders him unfit to continue in practice.

15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,

- (a) inquire into charges of professional misconduct or incompetence against any member;
- (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
- (c) perform such other duties as are assigned to it by the Council.

(2) In the case of proceedings into charges of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the charge, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts ascertained the charge has been proved;
- (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it is the member guilty of professional misconduct or incompetence.

(3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

- (a) direct the Registrar to erase the name of the member from the register on which he is registered;
- (b) suspend the member for a stated period from the register on which he is registered in such a manner or for such a period as the Committee may designate;

- (c) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (d) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.

17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
- (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
- (3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.

Use of
title

18. (1) Any person not registered under this Part who assumes, uses or employs the title "registered medical laboratory technologist", "registered medical technologist" or the affix R. M. L. T. , or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$1,000, for the second offence to a fine of not more than \$2,000.

Fines

19. Any fines payable for offences under this Part shall be paid to the Crown.

PART
RELATING TO
MEDICINE

THE HEALTH DISCIPLINES ACT
PART - RELATING TO MEDICINE

1. Interpretation

In this Act,

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" means the by-laws made under this Part;
- (c) "College" means the College of Physicians and Surgeons of Ontario;
- (d) "Council" means the Council of the College;
- (e) "medical practitioner" means a member;
- (f) "member" means a member of the College and includes a life member;
- (g) "Minister" means the Minister of Health;
- (h) "person" for the purposes of sec. 3(1), 26, 27, 29, 30 and 31 includes a corporation, other than a corporation providing health care mainly supported by public funds and any corporation that may be registered under this Part;
- (i) "practice of medicine" has the following meaning:
Every person practises medicine within the meaning of this Part who holds himself out as being able to diagnose, treat, operate or prescribe for, or advise regarding any human disease, pain, injury, disability, physical condition or mental disorder, or who, by any means or method, diagnoses, treats, operates, prescribes for or advises regarding any human disease, pain, injury, disability, physical condition or mental disorder, or offers so to do.

- (j) "register" means a register as provided in this Part and in regulations;
- (k) "Registrar" means the Registrar-Treasurer of the College;
- (l) "regulations" means the regulations made under this Part.

2. (1) The College is continued as a self-regulatory corporation without share capital with authorization for the purposes of this Act to acquire, to hold and dispose of real and personal property, to borrow upon security of same and to enjoy all powers of a corporation incorporated under the Business Corporations Act, 1970.

(2) The objects of the College are,

- (a) to regulate the practice of medicine and to govern the profession in accordance with the Act, this Part, the regulations and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the profession;
- (d) to establish, maintain and develop standards of professional ethics among its members, and
- (e) such other objects relating to human health care as its Council considers desirable

in order that the public interest may be served and protected.

3. (1) All persons registered on any register now or hereafter

established and maintained by the College are members of the College subject to any restriction or condition relating to their registration.

(2) Membership is terminated:

- (a) during any period that the member's name has been erased or suspended from a register;
- (b) on filing with the Registrar the member's resignation in writing but subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while registered.

4. (1) There shall continue to be a Council which shall be the governing body of the College and shall manage and administer its affairs.

(2) The Council shall be composed as follows:

- 1. One member appointed by each university in Ontario that is conducting a course in medicine and is authorized to grant degrees in the same.
- 2. Three members to be appointed by the Lieutenant Governor in Council.
- 3. No less than twelve and not more than sixteen members to be elected from amongst and by the registered medical practitioners in the manner provided by the regulations.

(3) No person who is a member of the faculty council or other policy making body as defined in the regulations of one of the bodies mentioned in paragraph 1 of subsection 2 shall hold a seat in the Council except as a representative of the body to which he belongs.

(4) Every member appointed under paragraph 1 of subsection 2 shall be a medical practitioner.

5. Every member who is registered on the General Register or the Special Register is qualified to vote at an election of members of Council.
6. The Council shall annually elect a President and Vice-President from among its members.
7. The Council shall appoint during pleasure a registrar and such other officers as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the College.
8. The Council shall establish and maintain the following registers - General Register, Special Register, Educational Register and Provisional Register and may establish and maintain such other registers as the Council considers may be required, and may publish a list of those registered.
9. The Council shall propose changes in legislation and regulations which it requires for the proper performance of its duties in order that the public interest may be served and protected.
10. The Council may perform such other duties as are assigned to it by this Act or by the regulations.
11. The Board may
 - (a) review the activities of the Council;
 - (b) request or require the Council to undertake activities which are necessary or advisable to carry out effectively the intent of this Act;

- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the registers;
 - (d) call meetings with the Council or any Committee thereof;
 - (e) advise the Council with respect to the implementation of its legislation or regulations to protect the public interest;
 - (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister;
 - (g) advise the Council with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedure;
 - (h) consider the by-laws of the Council and provide advice to the Council with respect to the proposed implementation or revision of such by-laws;
 - (i) request the Council to make regulations respecting any of the matters specified in its Part where the Council has failed to make such regulations.
12. The Council shall appoint annually the following committees: executive, registration, complaints, discipline.
13. (1) The executive committee shall be composed:
- (a) the President who shall be Chairman;
 - (b) the Vice-President, and
 - (c) three members of the Council.
- member appointed to the Council.
- Governing Council

- (2) A majority of members shall constitute a quorum.
- (3) The committee may deal with matters referred by Council, refer cases to the discipline committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, provided that any decision respecting a matter of continuing policy shall remain in effect only until the next ensuing session of the Council unless confirmed at that session; but the committee has no power to alter, suspend or repeal any by-laws of the Council.

- 14. (1) The registration committee shall be composed of
 - (a) one member of the Council who is a university member;
 - (b) two elected members of the Council,
 - (c) one member appointed to the Council by the Lieutenant Governor in Council.
- (2) The registration committee shall consider and decide upon applications for admission or re-admission for membership referred to it by the Registrar, and any other applications so referred.
- (3) The Council shall name one member of the committee to be Chairman.
- (4) A majority of members shall constitute a quorum.
- (5) The Registrar shall register upon application the name of any person who has complied with the regulations or on the direction of the Council, the executive committee or the registration committee.

- 15. (1) The complaints committee shall be composed of

- (a) two elected members of the Council,
- (b) one member appointed to the Council by a university,
- (c) one member appointed to the Council by the Lieutenant Governor in Council

and the Council shall appoint one of these members to be Chairman of the committee.

- (2) No member of the committee shall be a member of the discipline committee.
- (3) A majority of the members shall constitute a quorum.
- (4) In the case of a vacancy in the committee or if any member is unable to attend, the Registrar may designate another member of Council of the same class to fill the vacancy or replace the absent member. In the absence of the Chairman, the other members shall designate one of their number as Chairman.
- (5) The committee shall consider complaints or reports regarding the conduct, actions or competence of a member in accordance with the procedure prescribed by the regulations and by-laws.
- (6) In accordance with its findings the committee may direct,
 - (a) that the matter be not referred to the discipline committee, or
 - (b) that the matter in question shall, in whole or in part, be referred to the discipline committee, or
 - (c) take such action as it deems appropriate in the circumstances and which is not inconsistent with this Act, the regulations or the by-laws.
- (7) Notwithstanding anything contained in subsection 5 the Council

and the executive committee shall continue to have authority as in this Part provided, to direct that an inquiry be made by the discipline committee into any alleged professional misconduct or incompetence on the part of a member.

16. (1) The discipline committee shall be composed of five members of the Council selected by the Registrar to participate in hearings as required from ten members of Council appointed by the Council for this purpose. One member of the committee so selected shall be a member of the Council appointed by the Lieutenant Governor in Council unless that member is unable to attend.
 - (2) Four members of the committee shall constitute a quorum.
 - (3) In the case of a vacancy in the membership of the committee or if a member is unable to act the Registrar may select a member from amongst the remaining members appointed by the Council under subsection 1.
-
17. (1) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to the disciplinary action and liable to the penalties hereinafter provided.
 - (2) The Council, the executive committee or the complaints committee may direct that the member be referred to the discipline committee charged with professional misconduct or incompetence. Upon the written application of any four members setting forth particulars of the alleged professional

misconduct or incompetence such referral shall be directed, if in the opinion of the Council, the executive committee or the complaints committee after investigation there appears to be sufficient evidence of professional misconduct, or incompetence to warrant the referral.

- (3) The Council or the executive committee may direct the discipline committee to inquire into the conduct of any member and into the state of medical practice in any locality or institution.
- (4) The discipline committee shall, when so directed by the Council, executive committee or complaints committee
 - (a) inquire into the conduct of any member and into the state of medical practice in any locality or institution;
 - (b) inquire into charges of professional misconduct or incompetence against any member;
 - (c) inquire into and report to the Council upon an application by a former member to have his name restored to a register;
 - (d) perform such other duties as are assigned to it by the Council.
- (5) A member may be found guilty of professional misconduct by the committee
 - (a) if the member has been found guilty of an offence upon indictment or guilty of an offence relating to professional practice upon indictment or summary conviction, upon proof of such conviction;

- (b) if his rights or privileges under the Narcotic Control Act (Canada) or the Food and Drugs Act (Canada) or the regulations under either of them have been restricted or withdrawn, unless by his own request, upon proof thereof;
- (c) if he has been guilty, in the opinion of the discipline committee of misconduct in a professional respect, noncompliance with the provisions of the code of ethics prescribed pursuant to the regulations, or of any professional action or conduct prejudicial to the public interest.

(6) The discipline committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment, or disregard for the welfare of such patient or patients, of a nature and to a degree or extent that renders him unfit to continue in the practice of medicine or as a practitioner in some branch or specialty in the practice of medicine.

18. In the case of hearings into charges of professional misconduct or incompetence, the discipline committee shall

- (a) consider the charge, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
- (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or of incompetence;

- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

19. Notwithstanding anything now or hereafter contained in Part I of this Act or in the Statutory Powers Procedure Act the following rules of evidence shall apply in all proceedings and hearings of the discipline committee:

- (1) Any person who would be a competent and compellable witness at the trial of a civil action in Ontario is a competent and compellable witness at a hearing of the discipline committee, and the evidence adduced thereat shall be governed by The Evidence Act and the rules of evidence in civil proceedings in Ontario, except that,
 - (a) where any evidence is tendered that would not be admissible as such at the trial of a civil action in Ontario, the committee may receive such evidence if it is satisfied that its duty of making due inquiry into the case before it makes its reception desirable; and
 - (b) any letter, statement, prescription, certificate, record or other document purporting to be signed by a registered medical practitioner and any account for professional services that is on an account form bearing his name is prima facie evidence that the document was signed or, in the case of an account, was authorized by him, and is prima facie evidence of the statements contained in the document or account.

- (2) The testimony of witnesses at hearings of the discipline committee shall be taken under oath to be administered by the Chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply.

20.

- (1) Where the discipline committee finds a member guilty of professional misconduct it may by order,
 - (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) direct that the member be reprimanded and, if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (d) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate.
- (2) Except in the case of an order of the discipline committee made under subsection (3) the Registrar shall not make an erasure or entry under this section until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.
- (3) Where the discipline committee finds a member guilty of incompetence, it may by order direct,
 - (a) the Registrar to erase the name of the member forthwith;

- (b) the member's registration be suspended forthwith, for such period as the committee directs;
 - (c) the member's registration be transferred to the Provisional Register with such restrictions and conditions as the committee may designate, and
 - (d) any specialty recognition held by the member in Ontario be revoked and that he discontinue the use of any specialty designation,
- provided that if an appeal is taken, and is successful such direction shall remain in effect only until the final determination of the case upon appeal.

21. Where the discipline committee finds a member guilty of professional misconduct or incompetence the committee shall give its decision in writing which shall contain or be accompanied by reasons for the decision and a copy of the decision and reasons therefor shall be mailed to the member and to the person complaining or reporting in respect to the conduct or actions of the member.
22. The powers and duties of the Council in disciplinary matters are,
- (1) to receive reports of the discipline committee in respect of the cases that have been dealt with by the committee, and the decision upon any appeal taken therefrom; and
 - (2) to receive and consider reports, findings and recommendations of the discipline committee in cases in which the committee has made an inquiry as provided in subsection 4 of Section 17.

- 23.
- (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months since the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
 - (2) The Registrar shall refer the application to the discipline committee, who shall hear the application and report its decision and reasons to the Council and to the appellant.
 - (3) Upon such a hearing, the procedure before the discipline committee shall follow in so far as applicable the procedure in an inquiry into a case of alleged professional misconduct.
 - (4) An applicant has the same right of appeal from the decision of the discipline committee under this section as in the case of a decision in an inquiry into alleged professional misconduct.
 - (5) Notwithstanding the above provisions of this section the Council or the executive committee may restore the applicant to the Provisional Register without referral to the discipline committee.
- 24.
- (1) The Registrar in disciplinary matters shall,
 - (a) erase from the register the name of a member whose name the discipline committee has directed to be erased, and shall record the date of the erasure;
 - (b) enter on the register,

- (i) the suspension of a member whose registration the committee has directed to be suspended;
- (ii) the fact that a member was reprimanded, in cases in which the committee has directed that such reprimand be recorded on the register, stating the date of the order of suspension or reprimand and the period of suspension;
- (c) enter on the register the date and terms of any order made upon appeal and comply with its terms, and enter particulars of any abandoned appeal;
- (d) enter on the register the name of a former member whose name has been restored by order of the discipline committee or upon appeal and date of the restoration; and
- (e) enter on the Provisional Register the name of a member on the direction of the Council or the executive committee.

- 25.
- (1) There shall be a medical review committee composed of the persons appointed from time to time by the Minister of Health to serve as members of the medical review committee established by The Health Services Insurance Amendment Act, 1971 to perform the functions therein assigned to that committee.
 - (2) The Council shall name one member of the committee to be Chairman.
 - (3) The committee hereby established is authorized for and on behalf of the College to perform the aforesaid functions

and to exercise such additional powers and authority considered desirable for the adequate performance of its functions and such other functions as may be assigned to it by the Council or the executive committee.

26. (1) Every person practising medicine shall be registered under this Part and if any person not so registered practises or professes to practise medicine or advertises to give advice in medicine is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (2) Subsection 1 does not apply to
- (a) the rendering of first aid or temporary assistance in cases of emergency;
 - (b) persons treating human ailments by the use of prayer or spiritual means if duly ordained or authorized members of a religious institution or order that maintains and actively and regularly makes use of a place of worship in Ontario.
 - (c) the administration of household remedies;
 - (d) paramedical or auxiliary personnel performing services in the manner and to the extent authorized by the regulations;
 - (e) any person registered under another Part of this Act to the extent that the actions or conduct in question of that person are within the scope of practice authorized in that Part at the time the provisions of such Part first came into force;
 - (f) a medical student to the extent provided in section 28.

- (3) Proof of one offence is sufficient to establish practice.

27. Every person registered under this Part is entitled according to the provisions of the register upon which he is registered to practise medicine in Ontario and every person so registered at the time the services were rendered is entitled to demand and recover in any court, or otherwise, reasonable charges for professional aid, advice and visits and the cost of any drugs, supplies or appliances provided.
28. (1) In this section, "medical student" means a person who is enrolled in the medical course of a university in Ontario and performs medical, surgical and obstetrical services as required by the curriculum of studies prescribed by the university.
- (2) Notwithstanding section 26, a medical student is entitled to perform, under the supervision of a medical practitioner registered under this Part, the medical, surgical and obstetrical services required by the curriculum of studies.
- (3) Section 19 of Part I applies to a medical student as if he were registered under this Part.
29. Any person not registered under this Part who pretends to be a medical practitioner or takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is so registered is guilty of an offence, and on summary conviction is liable to the penalties hereinafter provided.

30. (1) Any person not registered under this Part who assumes, uses or employs the title "Doctor", "Surgeon", "Physician" or "Specialist" or any affix or prefix indicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects, or permits an employee or person associated with him in rendering his services to refer to him by any such title, or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

(2) Subsection 1 does not apply to any licentiate of dental surgery or any other person admitted to practise dentistry or dental surgery under The Dentistry Act.

31. Any person convicted of an offence under sections 26, 29 or 30 is liable for the first offence to a fine of not less than \$400 and not more than \$1000, for the second offence to a fine of not less than \$1000 and not more than \$2000, and for any subsequent offence to a fine of \$2000 and not more than six months imprisonment.

32. (1) If a member has been found after due inquiry to be suffering from a physical or a mental condition or disorder, including addiction to alcohol or drugs, of a nature and extent making it desirable in the interests of the public or the member that his registration be suspended or that his professional practice be restricted or controlled, or should

the Registrar receive information leading him to believe that a member may be so incapacitated, the Council or the executive committee, after due inquiry pursuant to the regulations, may by order suspend his registration or direct that his professional practice be restricted or controlled in such manner and for such period as the Council or committee may designate.

- (2) If the order is made by the executive committee the order shall continue in effect only until it is confirmed with or without amendment at the next ensuing session of the Council.
- (3) The Registrar may give notice of an order made under this section to such persons, institutions or bodies as may appear desirable in the public interest.
- (4) The member who is the subject of an order under this section is entitled to the same rights of appeal as in this Act provided in the case of an order or decision in disciplinary matters, and all such provisions shall apply.

33. Any prosecution under this Part shall be commenced within one year from the date of the alleged offence.

34. If any provisions of this Part conflict with the provisions of Part I or any other Part, the provisions of this Part shall prevail.

- (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations, and, without limiting the

generality of the foregoing,

1. providing procedures for the making, amendment and revocation of the by-laws;
2. prescribing the seal and coat of arms of the College;
3. providing for the execution of documents by the College;
4. respecting the borrowing of money and the giving of security therefor;
5. fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
6. providing procedures for the election of a President and Vice-President, the filling of a vacancy in these offices, the appointment of a member of the Council to act in the absence of these officers and prescribing the President's and Vice-President's duties;
7. providing for the appointing of and prescribing the remuneration and duties of a Registrar, a deputy registrar and one or more assistant registrars, and such other officers as considered appropriate;
8. respecting the calling, holding and conduct of meetings of the Council and committees and the duties of members of the Council and committees;
9. respecting the procedure in the investigation of complaints;
10. governing the designation of life members of the College and prescribing their rights and privileges;
11. prescribing forms and providing for their use;

12. respecting the remuneration and reimbursement of members of the Council and others when providing services authorized by the Council, the executive committee or the discipline committee;
13. respecting the management of the property of the College;
14. respecting the banking and application of the funds of the College; and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
15. respecting membership of the College in the Federation of Provincial Medical Licensing Authorities of Canada and any other similar organization and the payment of an annual assessment and provision for representatives at meetings;
16. respecting all other things that are deemed necessary or convenient for the attainment of the objects of the College and the efficient conduct of its business.

(2) A copy of the by-laws made under subsection 1, as amended from time to time,

(a) shall be forwarded to the Health Disciplines Board and

(b) shall be available for public inspection at the office of the Registrar.

36. Subject to the approval of the Lieutenant Governor in Council and with prior preview by the Board, the Council may make regulations,

(1) governing the procedure for nomination, election and

term of office of the members to be elected or appointed to the Council; determining the electoral divisions and representation; the holding of by-elections to fill vacancies on the Council; the designation of policy making bodies for the purposes of section 4(3); and respecting controverted elections;

- (2) respecting the tribunal or tribunals to conduct the inquiry provided for in section 32 and their authority, which may include the right to require the member to submit to a physical and mental examination and assessment, the evidence admissible at such inquiries and all matters of procedure or otherwise considered necessary or desirable to enable due inquiry to be made;
- (3) respecting the duties and authority of the Registrar;
- (4) respecting any matter ancillary to the provisions of this Part with regard to the admission of members, the cancellation of memberships, the resignation of members, and the readmission of former members;
- (5) prescribing the educational requirements, clinical training and experience, scope of examination, and other requirements for admission to practice;
- (6) prescribing the manner of registering those admitted to practice, including qualifications that may be registered and providing for the maintenance and inspection of registers of persons admitted to practice;
- (7) providing for issuing a Certificate of Registration as evidence of registration and for the examination of a member's past record in authorized proceedings;

- (8) authorizing the Council in specified circumstances to set, conduct or arrange for examinations, including examinations before renewal of licenses;
- (9) prescribing fees for registration, licensing and certification of registration and for renewal of licenses;
- (10) defining classes of specialists in the various branches of medicine, prescribing the qualifications required, providing for the suspension or revocation of any such designation, and for the regulation and prohibition of the use of terms, titles, or designations by members indicating specialization in any branch of medicine;
- (11) authorizing and providing for the preparation, publication and distribution of a code of professional conduct and ethics, and providing rulings to its members;
- (12) requiring and providing for the inspection, examination and audit of members' books, accounts, reports and medical records, respecting their patients;
- (13) prohibiting members who are involved in diagnosis or treatment from providing or selling devices, products or services associated with such diagnosis or treatment where a conflict of interest is likely to occur, and providing for exceptions where such would not be contrary to the public interest and for such purposes to conduct such investigations and examinations of members' books, accounts, records and documents as appears necessary or desirable;
- (14) regulating and controlling the use of terms, titles or designations that may be used by groups, partnerships,

- individual members or associations of members in respect to their practices;
- (15) respecting the reporting and publication of decisions in disciplinary matters;
 - (16) for any purpose that may tend to advance scientific knowledge or medical education and maintain the standards of the practice of medicine;
 - (17) providing for the establishment, maintenance and administration of a benevolent fund for needy practitioners in Ontario and the dependents of deceased members;
 - (18) providing for the collection and compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;
 - (19) respecting consent for the treatment of minors;
 - (20) respecting incorporation for the practice of medicine and the registration of such corporations;
 - (21) providing for the granting of limited licenses to practice medicine;
 - (22) providing for the making of inquiries into the state of medical practice in any locality or institution;
 - (23) providing for paramedical or auxiliary personnel performing precisely defined acts involving the practice of medicine under direction of a member and
 - (a) prescribing their qualifications and training,
 - (b) designating the nature and extent of the services they are to perform and the circumstances under which

these services may be performed,

- (c) providing for their classification, the designations or titles they may use, their identification by recording or registration and the fees payable in respect thereof,
 - (d) providing procedures for their control and discipline,
 - (e) providing for all procedural matters considered necessary or desirable.
- (24) respecting any other matters which may be required to enable the Council to adequately manage and administer the affairs of the College.

PART
RELATING TO
NURSING

THE HEALTH DISCIPLINES ACT

PART - RELATING TO NURSING

S.1 Interpretation Section

(1) In this Part,

- (a) "College" means the College of Nurses of Ontario;
- (b) "Council" means the Council of the College;
- (c) "member" means a person registered on an unrestricted College register;
- (d) "Minister" means the Minister of Health;
- (e) "Board" means the Health Disciplines Board;
- (f) "regulations" mean the regulations made under this Part;
- (g) "by-laws" mean the by-laws made under this Part;
- (h) "register" means a register as provided in the regulations made under this Part;
- (i) "nurse" means a person listed on a register by the College as provided in the regulations made under this Part;
- (j) "nursing assistant" means a person listed on a register by the College as provided in the regulations made under this Part;
- (k) "registration" means entering a name on a register as provided in regulations made under this Part;
- (l) "certification" means official endorsement of competence to practise nursing as provided in the regulations under this Part;
- (m) "nursing" means nursing as described in the regulations under this Part;
- (n) "Director" means the chief executive officer of the College of Nurses who shall exercise the powers and duties of the Registrar under the General Part.

S.2 Continuation of Existing College

- (1) The College of Nurses of Ontario hereinafter called the College, will continue as a self-regulatory corporation without share

capital with authorization for the purpose of this Part to acquire, to hold and dispose of real and personal property, to borrow upon security of same and to enjoy all powers of a corporation under the Corporations Act, 1970.

Right of Membership in the College

- (2) All persons registered on any register now or hereafter established and maintained by the College will be members of the College subject to any restriction or condition relating to the register on which they are listed.

S.3 Council of the College

- (1) There shall continue to be a Council which shall be the governing body of the College and shall manage and administer its affairs.
- (2) The Council shall be composed as follows:
 1. No less than 18 and no more than 25 members elected from amongst and by members in the manner provided by the regulations;
 2. Three lay members to be appointed by the Lieutenant-Governor-in-Council.
- (3) The Council shall meet at least twice a year.
- (4) The Council shall elect a President and Vice-President annually from among its members.
- (5) A majority of the members shall constitute a quorum.

General Powers of the Council

- (1) The Council shall propose changes in legislation, and regulations, and make by-laws which it requires for the proper performance of its duties in order that the public interest may be served and protected.
- (2) The Council shall be responsible for the administration of the Part, the regulations and the by-laws.
- (3) The Council has the power to discipline members and to accept undertakings from members respecting restriction of practice.
- (4) The Council shall establish and maintain General, and Educational registers and such other registers as the Council considers may be required, and may publish a list of those registered.
- (5) The powers of the Council include:
 1. Control and management of the affairs and the property of the College.

2. Assisting financially and otherwise in research in nursing education and practice.
3. Publication of the decision of any disciplinary inquiry and all or any of the information used in the inquiry.
4. Publication of statistical reports re nursing education, regulation and practice.
5. Investigation of nursing practice in areas in which certified nurses and nursing assistants are employed.

4 Power of the Council respecting Regulations

The Council, subject to the approval of the Lieutenant-Governor-in-Council, may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to Council and respecting vacancies on the Council;
- (2) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
- (3) prescribing the requirements for registration of nurses and nursing assistants on specified registers under this Part;
- (4) providing for the registration of nurses and nursing assistants admitted to practice and providing for the maintenance of registers of persons admitted to practice;
- (5) prescribing requirements for initial certification and renewal of certification of nurses and nursing assistants;
- (6) providing for initial certification and renewal of certification of nurses and nursing assistants;
- (7) prescribing requirements for recognition of added competencies of nurses and nursing assistants in areas of specialization identified by Council;
- (8) providing for recognition of nurses and nursing assistants with added competencies in areas of specialization identified by Council;
- (9) authorizing the Council to set, conduct or arrange for certification examinations, including examinations for re-certification;
- (10) prescribing fees for examination, registration, certification, renewal of certification, and any other services related to these activities;

- (11) respecting any matter ancillary to the provisions of this Part with regard to the admission of members, the cancellation of membership and the re-admission of former members;
- (12) defining the scope of nursing practice;
- (13) prescribing the procedure whereby employers of, or those persons who procure employment for, nurses and nursing assistants, ensure that such persons are currently certified under this Part;
- (14) providing for the collection and compilation of statistical information of the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;
- (15) authorizing and providing for the preparation, publication and distribution of a code of professional ethics, and providing rulings to its members.
- (16) providing for the making of inquiries into the state of nursing practice in any locality or institution.

S.5 Council By-Laws

- (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, the Nursing Part and the regulations, and without limiting the generality of the foregoing,
 - (a) prescribing the seal of the College;
 - (b) providing for execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) respecting the application of funds of the College and investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
 - (f) providing procedures for the election of Council, the election of a President and Vice-President, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
 - (g) respecting the calling, holding and conduct of meetings of the Council and the duties of members of Council;
 - (h) prescribing the remuneration of the members of the Council, and others when providing services authorized by the Council, and for the payment of necessary expenses of the Council in the conduct of its business;

- (i) providing for the appointment, composition, powers, procedures and duties of statutory or special committees as may be required;
 - (j) providing for the appointment of and prescribing the duties and remuneration of the Director;
 - (k) providing for the establishment and maintenance of a superannuation plan for its officers and employees and making of contributions from the funds of the College for that purpose;
 - (l) providing procedures for making, amending and revoking of by-laws;
 - (m) respecting membership in organizations related to functions of the College and for provision for representatives at meetings of such organizations.
- (2) A copy of the by-laws made under section 5, as amended from time to time,
- (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

S.6 Investigation of Nursing Practice

The Council or Executive Committee may direct that an inquiry be made into the state of nursing practice in any locality or institution.

S.7 Statutory Committees

The Council shall appoint from among its members an Executive Committee, a Registration Committee, a Complaints Committee and a Discipline Committee, and shall provide members to an Accreditation Committee.

Executive Committee

- (1) The Executive Committee shall be composed of:
 - (a) the President and Vice-President;
 - (b) five members of Council.
- (2) The President shall be the Chairman.
- (3) A majority of the members shall constitute a quorum.

(4) The Committee may deal with matters referred by Council, and consider and take action upon any other matter as may require immediate attention between meetings of the Council; any decisions of the Committee must be reported at the next meeting of Council; but the Committee has no power to alter, suspend or repeal any by-law of the Council.

(5) Decisions are made by a majority of the members present.

Accreditation Committee

(1) The Accreditation Committee shall be composed of:

- (a) five College members appointed by Council;
- (b) one member appointed by the Minister of Health;
- (c) one member appointed by the Minister of Colleges and Universities;
- (d) one member appointed by the Registered Nurses Association of Ontario;
- (e) one member appointed by the Ontario Association of Registered Nursing Assistants;
- (f) one member appointed by the Ontario Hospital Association;
- (g) one member appointed by the Ontario Medical Association.

(2) In the case of a vacancy in the membership of the Committee, another member shall be appointed by the appropriate body.

(3) The Committee shall appoint a Chairman annually from among its members.

(4) Seven members shall constitute a quorum.

(5) The term of office is three years and each member of the Committee may be re-appointed for one further term.

(6) The Committee shall,

- (a) grant, review and, where necessary, cancel accreditation for all programs for nurses and nursing assistants;
- (b) review proposals for the establishment, transfer or change in programs for nurses and nursing assistants and forward recommendations to the appropriate body;
- (c) establish criteria not inconsistent with regulations for initial and continuing accreditation of programs for nurses and nursing assistants;
- (d) recommend changes in educational and professional standards to Council.

(7) Decisions are made by a majority of the members present.

(8) The Committee shall present reports of its meetings and recommendations to the Council or Executive Committee.

- (9) The Committee shall prepare an Annual Report of the activities of the Committee and submit it to Council and to other member organizations.

Registration Committee

- (1) The Registration Committee shall be composed of five members of Council, one of whom is a member appointed to the Council by the Lieutenant-Governor-in-Council.
- (2) No member of this Committee shall be a member of the Discipline Committee or the Complaints Committee.
- (3) In the case of a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Committee shall appoint a Chairman annually from among its members.
- (5) In the absence of the Chairman, the other members shall designate one of their members as Chairman.
- (6) A majority of the members shall constitute a quorum.
- (7) The Committee shall consider and decide upon applications for admission to membership.
- (8) The Committee shall consider applications for registration by a person who was previously registered and whose registration is restricted, suspended or was cancelled as a result of a decision of a discipline Committee.
- (9) In making a decision regarding an applicant the Committee shall consider all requirements for membership specified in regulations, and all other pertinent matters.
- (10) The Committee may, before arriving at a decision, require the applicant to submit to a physical examination or psychiatric assessment, or both, if the investigation so warrants.
- (11) In accordance with its findings the Committee may decide to
 - (a) admit the applicant to the examination or the register, or both, upon payment of required fee(s); or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to the registration examination or the register, or both;
 - (c) refuse to admit the applicant to the examination or the register, or both.
- (12) Decisions are made by a majority of the members present.

- (13) The Committee shall give its decision in writing and shall record the reasons for the decision.
- (14) The Committee shall present reports of meetings and recommendations to Council or Executive Committee.
- (15) The Committee shall present an Annual Report of its activities to Council.

Complaints Committee

- (1) The Complaints Committee shall be composed of five members of Council, one of whom is a member appointed to the Council by the Lieutenant-Governor-in-Council.
- (2) No member of the Committee shall be a member of the Discipline Committee or the Registration Committee.
- (3) In the case of a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Committee shall appoint a Chairman annually from among its members.
- (5) In the absence of the Chairman, the other members shall designate one of their members as Chairman.
- (6) A majority of the members shall constitute a quorum.
- (7) The Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless
 - (a) a written complaint or report has been filed with the College and the member whose conduct or actions are being investigated has been notified;
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and she may submit in writing to the meeting of the Committee any explanations or representation she may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if she so requests, to appear before the Committee to give oral evidence on her behalf.

- (8) In accordance with its findings the Committee may direct that,
 - (a) no hearing be held in the case by the Discipline Committee, or
 - (b) the matter in whole or in part be referred to the Discipline Committee, or
 - (c) take such action as it deems appropriate in the circumstances and which is not inconsistent with this Part, or the regulations.
- (9) The Committee may require the member to submit to a physical examination or psychiatric assessment, or both, if the investigation so warrants.
- (10) Decisions are made by a majority of the members present.
- (11) The Committee shall give its decision in writing and shall record the reasons for the decision.
- (12) The Committee shall present reports of its meetings and recommendations to the Council or Executive Committee.
- (13) The Committee shall submit an Annual Report of the activities of the Committee to Council.

Discipline Committee

- (1) The Discipline Committee shall be composed of nine members of Council, one of whom shall be a member appointed to the Council by the Lieutenant-Governor-in-Council.
- (2) No member shall be a member of the Complaints Committee or the Registration Committee.
- (3) In the case of a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) A Chairman shall be appointed annually from among the members of the Committee.
- (5) A majority of the members shall constitute a quorum.
- (6) The decision is made by a majority of the members present.
- (7) The Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,
 - (a) hold hearings into charges of professional misconduct, incompetence or incapacity against any member;
 - (b) perform such other duties as are assigned to it by Council.

- (8) The Committee may require the member to submit to a physical examination or psychiatric assessment, or both, if the investigation so warrants.
- (9) A member may be found guilty of professional misconduct by the Committee if
 - (a) the member has been found guilty of an offence upon indictment or guilty of an offence relating to professional practice upon indictment or summary conviction upon proof of such conviction;
 - (b) she has been found guilty, in the opinion of the Discipline Committee, of any action or conduct prejudicial to the public interest, or in non-compliance with the Code of Ethics if prescribed in the regulations;
 - (c) she knowingly allows the use of her registration certificate by some other person.
- (10) A member may be found to be incompetent by the Committee if, in its opinion, she has displayed in her nursing practice lack of knowledge, skill or judgment, or disregard for the welfare of persons under her care that renders her unfit to continue in the practice of nursing.
- (11) A member may be found to be incapable by the Committee if, pursuant to any act, and after due inquiry, she has been found to be suffering from a physical or a mental condition or disorder, including impairment due to alcohol or drugs, that renders her unfit to continue in the practice of nursing.
- (12) In a hearing the Discipline Committee shall
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether in respect of the charge the member is guilty of professional misconduct, incompetence or incapacity.
- (13) When it is found to the satisfaction of the Committee, after a hearing, that a member is guilty of professional misconduct, incompetence or incapacity, the Committee may,
 - (a) issue a reprimand;
 - (b) impose restrictions or controls on her nursing practice in such a manner and for such period as the Committee may designate;
 - (c) suspend the right to certification for as long as the Committee deems appropriate;
 - (d) cancel the right to certification, and require forfeiture of current certificate;

- (e) cancel from the register;
 - (f) direct that the imposition of a penalty be postponed for such period and upon such terms as the Committee may designate;
 - (g) take such action as it deems appropriate in the circumstances and which is not inconsistent with this Part or the regulations.
- (14) The Discipline Committee may authorize acceptance of a voluntary cancellation of registration or certification, or both, by a member without a hearing if, in its opinion, the circumstances warrant acceptance.
 - (15) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, or incapable to practice the Committee shall give its decision in writing and shall record reasons for the decision.
 - (16) If a member who has been charged is found guilty, she is required upon notice of cancellation or suspension to submit her current certificate of competence or certificate of registration, or both, by hand or by registered mail to the College of Nurses.
 - (17) The Committee shall present a report of hearings and may forward recommendations to the Council or Executive Committee.
 - (18) The Committee shall present an Annual Report of its activities to Council.
 - (19) The Statutory Powers Procedure Act notwithstanding, there shall be no stay of decision on an appeal when the member has been found to be incompetent or incapable.
 - (20)
 - (a) A former member whose name has been erased or suspended indefinitely may apply in writing to the Director to have her name restored or the suspension terminated.
 - (b) The Director shall refer the application to the Registration Committee, who shall consider and decide on the application and report its decision.
 - (21) The decisions of the Registration, Complaints and Discipline Committees and the evidence presented at their hearings are not admissible in any civil action.

S.8 . Reporting Requirements

- (1) Every employer of nurses and nursing assistants and every agency procuring employment for nurses and nursing assistants shall ensure annually that such persons are currently certified to practice under this Part.

- (2) Every employer of certified nurses and nursing assistants and every agency procuring employment for such persons shall report to the College any certified nurse or nursing assistant whose employment has terminated due to circumstances related to incompetence, professional misconduct or incapacity, as defined in Section 7, subsections 9, 10 and 11.
- (3) When a person presumed to be a member of the College is certified as mentally incompetent, or found to be incapacitated by the use of drugs or alcohol by a licensed physician, a notice shall be sent by the physician to the College of Nurses.

S.9 Illegal Use of Titles

- (1) No person shall hold herself or himself out to the public by any title, designation or description as a nurse or as a nursing assistant and under such title designation or description offer to render or render services of any kind to one or more persons for a fee or other remuneration unless such person is registered or certified under this Part.
- (2) No person shall use the title "registered nurse" or "certified nurse" or the designation "Reg.N." or "R.N." or "Cert.N." or "C.N." for professional reasons unless such person is on the appropriate register under this Part.
- (3) No person shall use the title "registered nursing assistant" or "certified nursing assistant" or the designation "R.N.A." or "C.N.A." for professional reasons unless such person is on the appropriate register under this Part.

S.10 Penalties

Every person who contravenes any provision of this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.00 for a first offence, and not less than \$1,000.00 and not more than \$5,000.00 for any subsequent offence, and may in addition be liable to a term of imprisonment of not more than two years.

S.11 Health Disciplines Board

The Board may

- (a) review the activities of the Council;
- (b) require the Council to perform its functions under this Part;
- (c) require the Council to provide such reports and information as the Board requires including information from the registers;
- (d) call meetings with the Council or a Committee;

- (e) advise the Council with respect to the implementation of its legislation or regulations to protect the public interest;
- (f) review or comment on proposals by the Council for change in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister;
- (g) advise the Council with respect to the methods used by the Council to implement policies and to enforce regulations and procedures;
- (h) consider the by-laws of the Council and provide advice to the Council with respect to the proposed implementation or revision of such by-laws;
- (i) request the Council to make regulations respecting any of the matters specified in its Part where the Council has failed to make such regulations.

PART
RELATING TO
OCCUPATIONAL THERAPY

THE HEALTH DISCIPLINES ACT

Part relating to Occupational Therapy

1. In this Part

- (a) "College" means the College of Occupational Therapists of Ontario;
- (b) "Council" means the Council of the College;
- (c) "member" means a member of the College;
- (d) "Regulations" means the regulations made under this Part;
- (e) "by-laws" means the by-laws made under this Part;
- (f) "Register" means the register as provided in the regulations made under this Part;
- (g) "lay person" means a person who is not employed by the Government of Ontario or by any agency of the Crown and who has at no time been registered under any Act governing a health discipline;
- (h) "Registrar" means the Registrar of the College;
- (i) "registration" means the listing of members on the Register;

2. (1) The College of Occupational Therapists of Ontario is hereby established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

3. The objects of the College are

- (a) to regulate the practice of Occupational Therapy

and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;

- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the practice of Occupational Therapy.
- (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

- ship
4. (1) All persons registered as an Occupational Therapist under this Act will be members of the College and each such person shall be known as a "Member of the College of Occupational Therapists of Ontario".
- (2) Membership is terminated
- (a) during any period that the member's name has been erased or suspended from the Register;
 - (b) upon a member delivering her written resignation with the Registrar provided she is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of her professional conduct while registered.
- (3) A member is in good standing if
- (a) she is registered as an Occupational Therapist under this Part; and
 - (b) she is not indebted to the College; and
 - (c) her professional conduct is not subject to an inquiry by the discipline committee into charges against her of professional misconduct or incompetence.

- (4) The Executive ~~Committee~~ may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

il of
College

5. (1) There shall be a Council which shall be the governing body of the College which shall be composed of
- (i) 7 members of the College; and
 - (ii) 2 lay persons to be appointed by the Lieutenant Governor in Council.
- (2) The members referred to in subsection 5(1)(i), who shall sit on the first Council established under this Part, shall be appointed by the Minister of Health, 2 of whom shall be nominated by the Canadian Association of Occupational Therapists, 4 of whom shall be nominated by the Ontario Society of Occupational Therapists, 1 of whom shall be nominated by the faculty of the schools of occupational therapy in universities in Ontario, and all of whom shall be persons eligible to be registered under this Part.
- (3) The members referred to in subsection 5(1)(i), who shall sit on the second and subsequent Councils established under this Part, shall be elected in the manner provided in the Regulations by and from among the members of the College. Every member in good standing is qualified to vote at an election of members to Council.

- (4) The Council shall annually elect a President and Vice-President from among its members.
- (5) The Council shall appoint, during pleasure, a Registrar and such other officers as may from time to time be necessary to assist Council in performing the work of the College.

6. (1) The Council shall manage and administer the affairs of the College.
- (2) The Council shall propose changes in legislation and the Regulations and shall make by-laws which it requires for the proper performance of its duties and in order that the public interest be served and protected.
- (3) The Council shall establish and maintain such registers as the Council considers may be required and may publish a list of persons registered on such registers.

Relationship
College
Board

7. The Board may
 - (a) review or supervise the activities of the Council;
 - (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
 - (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
 - (d) call meetings with the Council or any committee thereof;

- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

- ulations 8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,
- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
 - (2) prescribing the requirements for admission as members;
 - (3) prescribing the manner of registering those admitted as members, including qualifications of persons that may be registered, and providing for the maintenance and inspection of registers of persons admitted as members;
 - (4) respecting any matter ancillary to the provisions of this Act with regard to the admission of members,

- the cancellation of memberships, the resignation of members and the readmission of former members;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
 - (6) prescribing standards or practice for the profession;
 - (7) defining professional misconduct for the purposes of this Part;
 - (8) prescribing requirements for continuing education of members;
 - (9) respecting the duties and authority of the Registrar;
 - (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
 - (11) defining conflicts of interest respecting members;
 - (12) respecting the reporting and publication of decisions in disciplinary matters;
 - (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of Occupational Therapy;
 - (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;

- (15) prescribing the fees for registration, re-registration and examination.

- aws 9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, and the Regulations, and without limiting the generality of the foregoing:
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of President and Vice-President of the Council, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
 - (f) respecting the calling, holding and conducting of meetings of the Council and the duties of persons sitting on Council;
 - (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;

- (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
 - (i) providing for the appointment of and prescribing the remuneration of the Registrar;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the College;
 - (m) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
 - (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;
 - (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.
- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
- (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

Establish-
ment of
committees

10. The Council shall appoint from among those persons sitting on the Council and from among the members the following committees:

- (1) Executive Committee
- (2) Registration and Complaints Committee
- (3) Discipline Committee

Executive
Committee

11. (1) The Executive Committee shall be composed of:

(a) the President, who shall be Chairman of such Committee; and

(b) the Vice-President; and

(c) one other member of the Council.

(2) A majority of the persons sitting on the Executive Committee from time to time shall constitute a quorum.

(3) The Executive Committee shall deal with matters referred by Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing policy to remain in effect only until after the next ensuing meeting of the Council unless confirmed at such meeting.

(4) Notwithstanding the provisions of subsection 11(3) the Executive Committee shall have no power to alter, suspend or repeal any by-laws of the Council.

registra-
on
committee

12. (1) The Registration and Complaints Committee shall be composed of:
 - (a) three members of Council, one of whom is a lay person appointed to the Council by the Lieutenant Governor in Council; and
 - (b) two members of the College who are not members of the Council.
- (2) The Council shall name one person from among those appointed to the Registration and Complaints Committee to be Chairman of such Committee.
- (3) No member of the Registration and Complaints Committee shall be a member of the Discipline Committee.
- (4) A majority of the persons appointed to the Registration and Complaints Committee constitutes a quorum.
- (5) The Registration and Complaints Committee shall consider and decide upon applications for registration as an Occupational Therapist in accordance with the Regulations.
- (6) The Registration and Complaints Committee, in accordance with its findings, may:
 - (a) admit an applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by an applicant to establish eligibility for admission to examinations or the Register or both; or
 - (c) propose to refuse an applicant admission to an examination or the Register or both.

- (7) The Registration and Complaints Committee shall prepare a report of each decision or proposed decision with reasons and shall submit such report to the Registrar. A copy of the decision or proposed decision and reasons shall be mailed to the applicant.
- (8) Where the Registration and Complaints Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in Section 9 of Part I of this Act.
- (9) The Registration and Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member and shall review such of those complaints or reports as it regards as not being in the public interest, but no action to review such conduct or actions shall be taken unless,
 - (a) a written complaint or report has been filed with the College and the member whose conduct or actions have been criticized or reported has been given written notification of the nature of the criticism or report; and
 - (b) the member whose conduct is being reviewed has been given two weeks prior written notice stating the time the Registration and Complaints Committee will be considering the matter, that she may submit in writing to such Committee any

explanations or representations she may wish to make concerning the matter, and that she may appear before such Committee to give oral testimony and submit documentary evidence on her own behalf; and

- (c) the Registration and Complaints Committee has examined all records and other documents relating to the complaint or report;
- (d) the member whose conduct is being reviewed has been permitted, if she so requests, to appear before the Committee to give oral testimony and submit documentary evidence on her behalf.

(10) The Registration and Complaints Committee, in accordance with its findings in connection with any complaint or report it has reviewed, may direct that,

- (a) no hearing be held in the case by the Discipline Committee; or
- (b) the matter be referred, in whole or in part, to the Discipline Committee; or
- (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.

(11) The Registration and Complaints Committee shall give its decision and its reasons in connection with any complaint or report it has reviewed in

writing to the Registrar, and a copy shall be mailed to the member whose conduct is being reviewed and to the person complaining or reporting in respect to the conduct or action of the member in accordance with Section 15 of this Part.

- (12) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section of Part 1 of this Act.
- (13) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

- 13. (1) The Discipline Committee shall be composed of:
 - (a) three members of Council, one of whom is a lay person appointed to the Council by the Lieutenant Governor in Council; and
 - (b) two members of the College who are not members of the Council.
- (2) A majority of the persons appointed to the Discipline Committee constitutes a quorum of such Committee.
- (3) Where there is a vacancy in the membership of the Discipline Committee, Council shall appoint another person then sitting on Council to complete the term of appointment.

- (4) The Council shall name one person from among those appointed to the Discipline Committee to be Chairman of such Committee.
- (5) The Discipline Committee shall, when so directed by the Registration and Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the penalties hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Discipline Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction; or
 - (b) if she has been guilty, in the opinion of the Discipline Committee, of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion she has displayed in her professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a

nature, degree or extent that renders her unfit to continue in practice.

14. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Registration and Complaints Committee,
 - (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have her name restored to the Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,
 - (a) direct the Registrar to erase the name of the member from the Register;
 - (b) suspend the member for a stated period from the Register;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Discipline Committee may designate;
 - (d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the Register;
 - (e) direct that the imposition of a penalty be postponed for such period and upon such terms as the Discipline Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure from or entry in the Register until the time for appeal from the order has expired without an appeal being taken or, if taken, the

appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

15. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.
16. (1) A former member whose name has been erased or suspended indefinitely from the Register may apply in writing to the Registrar not less than twelve months from the date upon which the order for erasure or suspension was made, to have her name restored to the Register or the suspension terminated.
 - (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
 - (3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore a former member to the register without referral to the Discipline Committee.

Unauthorized
practice

17. (1) No person, except as provided in the Regulations, shall represent herself to be an occupational therapist unless she is a member of the College.
 - (2) A person represents herself to be an occupational therapist when she holds herself out to the public by any title, designation or description incorporating the words "occupational therapy" or "occupational therapist" and under such title, designation or description offers to render or renders services of any kind to one or more persons for a fee or other remuneration or in the course of her employment.
 - (3) Any person not registered under this Part who assumes, uses or employs the title or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
 - (4) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$1,000, for a second offence to a fine of not more than \$2,000.
18. Any fines payable for offences under this Part shall be paid to the Crown.

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PART
RELATING TO
OPTICIANRY

THE HEALTH DISCIPLINES ACT

Part relating to Opticianry

1. In this Part

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" mean the by-laws made under this Part;
- (c) "certification" means the official endorsement of competence to practise;
- (d) "certified contact lens fitter" means a member certified by the College as a contact lens fitter;
- (e) "College" means the College of Opticians;
- (f) "Council" means the Council of the College;
- (g) "member" means a member of the College;
- (h) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses or appurtenances thereto for the aid or correction of visual or ocular anomalies of the eyes;
- (i) "optician" means a member of the College engaged in the practice or profession of opticianry;
- (j) "practice of opticianry" means
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;

- (k) "Register" means the register as provided in the regulations made under this Part;
- (l) "Registrar" means the Registrar of the College;
- (m) "registration" means the listing of members on a Register and for the purposes of this Part includes licensing;
- (n) "Regulations" means the regulations made under this Part;

2. The College of Opticians hereinafter called The College, is established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

3. -(1) The objects of the College are

- (a) to regulate the practice of opticianry and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the practice of opticianry;
- (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

(2) The College is the successor to the Board of Ophthalmic Dispensers established under The Ophthalmic Dispensers Act and shall obtain the benefit of and be bound by all rights, actions, real and personal property and all other rights and liabilities vested in the Board upon the date this Part comes into force.

(3) Every person registered as an ophthalmic dispenser under The Ophthalmic Dispensers Act immediately prior to the coming into force of this Part is a member of the College.

4. -(1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.

(2) Membership is terminated

- (a) during any period that the member's name has been erased or suspended from the register;
- (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.

(3) A member is in good standing if

- (a) he holds a current valid certification of registration under this Act;
- (b) he is not indebted to the College;
- (c) his professional conduct is not at that time subject to disciplinary charge or inquiry by the discipline committee or inquiry as to his mental or physical capacity.

- (4) A Council of the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

5. -(1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.

(2) The Council shall be composed as follows:

- (i) six members of the College;
- (ii) three lay members to be appointed by the Lieutenant Governor in Council.

(3) For the first Council, the members referred to in subsection 2 (i) shall be appointed by the Minister of Health, three of whom shall be nominated by the Board of Ophthalmic Dispensers and two of whom shall be nominated by the Ontario Association of Dispensing Opticians, all of whom shall be persons eligible to be registered under this Part.

(4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.

(5) The Council shall annually elect a President and Vice-President from among its members.

(6) The Council shall appoint during pleasure a Registrar and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.

6. -(1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of

its duties in order that the public interest be served and protected.

- (2) The Council shall establish and maintain such registers as the Council considers may be required and shall publish a list of those registered annually.

7. The Board may

- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

- ations 8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,
- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
 - (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the re-admission of former members;
 - (3) prescribing the requirements for admission to practice;
 - (4) prescribing the manner of registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
 - (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
 - (6) prescribing standards of practice for the profession;
 - (7) defining professional misconduct for the purposes of this Part;
 - (8) prescribing requirements for continuing education of members;
 - (9) respecting the duties and authority of the Registrar;
 - (10) regulating and controlling the use of terms, titles, or designations that may be used by groups or individual members or associations of members in respect to their practices;
 - (11) defining conflicts of interest respecting members;
 - (12) respecting the reporting and publication of decisions in disciplinary matters;

- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of opticianry;
- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration and re-registration and examination;
- (16) establishing the requirements for certification of members as contact lens fitters and providing for such certification.

laws

9. -(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, and the Regulations and without limiting the generality of the foregoing;

- (a) prescribing the seal of the College;
- (b) providing for the execution of documents by the College;
- (c) respecting banking and finance;
- (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
- (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
- (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;

- (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
 - (i) providing for the appointment of and prescribing the remuneration of the Registrar;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the College;
 - (m) respecting the application of the funds for College and the investment and re-investment of any of its funds not immediately required, and for the safekeeping of its securities;
 - (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;
 - (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.
- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
- (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the offices of the College.

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tees

10. The Council shall appoint from among its members the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline

Executive
Committee

11. -(1) The Executive Committee shall be composed of
- (a) the President, who shall be Chairman of the Committee;
 - (b) the Vice-President; and
 - (c) one member of the Council who may be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) A majority of the members constitutes a quorum.
- (3) The Committee may deal with matters referred by Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter on continuing policy to remain in effect only until after the next ensuing session of the Council unless confirmed at this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

Registration
Committee

12. -(1) The Registration Committee shall be composed of all the members of the Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may:
- (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or

- (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.
- (7) Where the Registration Committee proposed to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in section 9 of Part I of this Act.

Complaints
Committee

13. -(1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the committee to be Chairman.
- (4) A majority of the members constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,

- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if he so requests, to appear before the Committee to give oral evidence on his behalf.
- (6) The Committee in accordance with its findings may direct that
- (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part I of this Act.

- (9) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

14. -(1) The Discipline Committee shall be composed of five members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) Three members of the Committee constitute a quorum.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the penalties hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
- (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction.

- (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the regulations.
 - (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature to a degree or extent that renders him unfit to continue in practice.
15. -(1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee
- (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall
- (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order
- (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;
 - (d) direct that the imposition of a penalty be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.

17. -(1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.

(2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.

(3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.

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ce 18. -(1) Every person practising opticianry shall be registered under this Part and if any person not so registered practises or professes to practise opticianry or advertises to practise opticianry, he is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

(2) Subsection 1 does not apply to

- (a) the rendering of first-aid or temporary assistance in cases of emergency;
- (b) any person registered under another Part or any Act relating to the treatment of human ailments to the extent that the actions or conduct in question of that person is within the scope of practice authorized in that Part or Act;
- (c) the practice of opticianry by a retail merchant at his ordinary place of business or the carrying on therein of an optical department, if an optician is in charge of the practice or of the optical department; or
- (d) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic corrective lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

(3) Proof of one offence is sufficient to establish practice.

(4) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for a second offence to a fine of not more than \$2,000 or six months imprisonment or both.

of 19. (1) Any person not registered under this Part who assumes, uses or employs the title optician, ophthalmic dispenser, dispensing optician or certified contact lens fitter or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

Penalties

- (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for a second offence to a fine of not more than \$2,000.

Fines

20. Any fines payable for offences under this Part shall be paid to the Crown.
22. The Ophthalmic Dispensers Act is repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.

PART
RELATING TO
OPTOMETRY

pretation S.1. In this Part,

- (a) "Board" means the Health Disciplines Board;
- (b) "College" means the College of Optometrists of Ontario;
- (c) "Council" means the governing body of the College;
- (d) "diagnose" means the act or process of deciding the nature of anomalies of vision and vision performance;
- (e) "dispensing" means to fit, to adjust or to adapt to a patient an ophthalmic appliance in accordance with a written prescription;
- (f) "member" means an optometrist registered on the register now or hereafter maintained by the College;
- (g) "member of Council" means a member appointed or elected to the Council;
- (h) "ophthalmic appliance" means lenses, spectacles, eye-glasses, contact lenses, subnormal vision aids, filters, occluders, prisms, magnifiers and any other optical aid for the care of anomalies of vision and vision performance;
- (i) "optometrist" means a person who is entitled to practise the profession of optometry under this Part;
- (j) "practice of optometry" means any professional service performed by an optometrist the objects of which are to determine the visual environment as it relates to vision performance, to detect and refer when necessary any abnormality of the eye or adnexa which may be pathological in origin, to

diagnose and to take care of, by such acts as counselling, prescribing, dispensing and vision training, anomalies of vision and vision performance;

- (k) "prescribing" means to write or to determine a formula or prescription for ophthalmic appliances and vision training;
- (l) "vision training" means to carry out or provide for orthoptics and repetitive exercises to develop oculoneuromuscular mechanisms to preserve, restore or improve vision performance.

S.2. The College of Optometrists of Ontario is continued as a body corporate, with power to acquire and hold real and personal property for its corporate purposes, and may alienate, exchange, lease, mortgage or otherwise charge or dispose of it, as occasion may require.

S.3. (1) The Council shall be composed as follows:

- (i) One member appointed for a term of three years by the University of Waterloo from the faculty of the School of Optometry.
- (ii) Two members appointed by the Lieutenant Governor in Council for a term of three years and who have not been or are not members of any designated health discipline.
- (iii) Five members of the College to be elected in the manner set forth in the by-laws.

(2) A majority of the members of the Council form a quorum.

(3) The Council shall elect from its members a president, a vice-president and a treasurer whose duties shall be set forth in the by-laws.

lection

(4) The manner of electing the Council, the electoral districts, tenure of office and other ancillary matters shall be as set forth in the by-laws.

annual
meetings

(5) (i) The College shall hold an annual meeting not later than the 31st day of March in each year.^d

general
meetings

(ii) Other general meetings of the College may be called from time to time.

(iii) The manner of holding annual or other general meetings, notices thereof, voting and other ancillary matters shall be as set forth in the by-laws.

Council's
powers

S.4. (1) The Council shall administer, manage and regulate the affairs and business of the College.

(2) The Council shall have the power, following review by the Board,

legislation

(a) to propose changes in legislation;

regulations

(b) to make regulations, subject to approval of the Lieutenant Governor in Council,

(i) prescribing the requirements for admission to the College;

(ii) establishing a registration committee for considering the qualifications of applicants for registration;

(iii) providing in specified circumstances the holding of the qualification examinations for applicants for registration;

(iv) prescribing the manner of registering those admitted to practise;

- (v) respecting the suspension and cancellation of the certificates of registration and the conditions of issue and renewal of certificates of registration;
- (vi) prescribing fees under this Part;
- (vii) providing for the government and discipline of the members;
- (viii) ensuring appropriate standards of practice of optometry;
- (ix) specifying generically drugs for diagnostic purposes which may be applied topically on the eye;
- (x) providing for a code of ethics;
- (xi) establishing an appraisal committee for the appraising of the practice of optometry of members;
- (xii) providing for the inspection of the premises where the member practises, and his clinical and financial records respecting his patients;
- (xiii) defining professional misconduct for the purposes of this Part;
- (xiv) governing the disciplinary powers of the Council or committees of Council;
- (xv) requiring further courses of study of a member, and limiting the member's scope of practice until the completion of such courses of study;

- (xvi) providing for continuing education and requiring attendance thereat;
- (xvii) providing for statistical information on the supply, distribution and practise activities of members and requiring members to provide the information necessary to compile such information; and
- (xviii) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(3) The Council may use any of the moneys of the College for carrying out the provisions of this Part, for scientific research or for any purpose which may advance scientific knowledge and optometrical education, for maintaining the standards of the practice of optometry, and for generally promoting the objects of the College.

(4) (a) The Council may by resolution suspend the registration of a member who has been found pursuant to any Act to be mentally incapacitated, mentally ill or incapable of managing his affairs or has been found after due inquiry to be suffering from a physical or a mental condition or disorder, including addiction to alcohol or drugs, of a nature and extent making it desirable in the interests of the public or the member that his registration be suspended;

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- (b) The registrar may give notice of the resolution made under this section to such persons, institutions or bodies as may appear desirable in the public interest;
- (c) The member who is the subject of resolution under this section is entitled to the same right of appeal as in this Part provided in the case of an order of the discipline committee.

Laws

- S.5. (1) The Council may pass by-laws not inconsistent with this Part respecting,
- (a) the management of property of the College;
 - (b) banking and finance;
 - (c) the holding and conducting of the annual and other meetings of the College;
 - (d) the holding and conducting of meetings of the Council;
 - (e) the election or appointment, duties and removal of officers and servants, and their remuneration;
 - (f) committees of the Council and the appointment, duties and removal of persons and members of the committees and their remuneration;
 - (g) publishing decisions of the discipline committee;
 - (h) distributing to the members advisories concerning matters of practice in the public interest;

- (i) the designation of life members of the College and their rights and privileges;
- (j) membership of the College in a Canadian national examination board and in similar organizations; and
- (k) all other things necessary or advisable for the management of the affairs of the College or Council.

(2) A by-law becomes effective when it has been passed by the Council and shall remain in force until the next annual meeting of the College following its adoption when it shall be confirmed or rejected by the meeting.

- (3) A copy of each by-law following its adoption shall
- (a) be mailed to each member;
 - (b) shall be forwarded to the Board;
 - (c) be available for public inspection in the office of the registrar.

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S.6. (1) Every person who has filed with the registrar of the College an application in the form as prescribed by the regulations and has completed the requirements for registration as provided for in the regulations shall be registered as a member by the Council and shall be provided with a certificate of such registration and thereupon the member shall have the rights, privileges and obligations conferred by this Part,

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ificate

- (2) Each certificate is renewable annually as provided for in the regulations.

- S.7. (1) The Council may appoint a registrar and a secretary and members of committees and such other officers and representatives as may be required, and the duties thereof shall be set forth in the by-laws.
- (2) (a) The Council may appoint an executive committee composed of four of its members, of whom three shall be a quorum.
- (b) the executive committee shall perform such functions of the Council as may be delegated to it.
- (3) (a) The Council shall appoint a complaints committee composed of three members of the College and two members of the Council, of whom one shall be a member of the Council appointed by the Lieutenant Governor in Council.
- (b) A majority of the members of the complaints committee shall be a quorum.
- (c) The complaints committee shall have power to consider and investigate complaints and reports concerning members, and to cause inspections to be made of the offices and records of the members at reasonable hours.
- (d) When the complaints committee wish to interview a member concerning a matter being considered, the member shall attend a meeting of the complaints committee upon receiving fifteen days written notice.
- (e) The complaints committee shall report its findings and recommendations to the Council.

- (f) The member concerned and the complainant shall be advised in writing of the disposition of the complaint together with the reasons therefor.
- (g) The report of the complaints committee and its recommendations and the evidence taken before the complaints committee are not admissible in any civil action.
- (h) The complainant may request a review by the Board as provided for in Part I of The Health Disciplines Act, 1972.

(i) The complaints committee shall have such other powers and procedures as may be provided by the regulations.

- discipline
committee
- (4) (a) The Council shall appoint a discipline committee composed of three members of the College and two members of the Council, of whom one shall be a member of the Council appointed by the Lieutenant Governor in Council.
 - (b) A majority of the members of the discipline committee shall be a quorum.
 - (c) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to the disciplinary action and liable to the penalties hereinafter provided.
 - (d) The discipline committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient lack of knowledge, skill or judgment, or disregard for

the welfare of the patient, of a nature and to a degree or extent that renders him unfit to continue in the practice of optometry.

(e) The discipline committee shall conduct a hearing whenever a matter of professional misconduct or incompetence is referred to it by the Council.

(f) The discipline committee, after a hearing, may by order find that a member is guilty of professional misconduct and may:

- (i) reprimand the member;
- (ii) suspend the registration of the member;
- (iii) revoke the registration of the member;
- (iv) limit the scope of practice of the member;
- (v) require the member to undertake and complete courses of study at the School of Optometry, University of Waterloo or other approved facility and may limit the scope of practice of the member until satisfactory completion of such courses;
- (vi) direct that the imposition of any of the above penalties be deferred for such period and upon such terms as it may designate.

(g) The order of the discipline committee shall be given in writing together with the reasons therefor and a copy shall be mailed to the member concerned and to the parties to the proceedings.

- (h) The order of the discipline committee may be appealed by the member as provided for in the appeal of a decision or order in Part I of The Health Disciplines Act, 1972.
- (i) Upon the originating notice being served upon the discipline committee, there shall be a stay in the matter of not more than six months, except if the order of the discipline committee relates to incompetence or limits the scope of practice of the member in which case the order shall be effective from the date of the order of the discipline committee until otherwise ordered on appeal.
- (j) The discipline committee shall have such other procedures as may be provided by the regulations

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- S.8. (1) No person shall practise the profession of optometry unless he is registered under this Part.
- (2) No person, unless he is registered under this Part, shall append to his name the term "optometrist" or use any name, title, addition, letters, abbreviations or descriptions implying or calculated to lead any person to believe he is registered under this Part.
- (3) No person shall have in his possession equipment which would enable the person to practise optometry and the presence of such equipment is "prima facie" evidence that the practice of optometry is being carried on.
- (4) No member whose registration is revoked or while his registration is suspended shall practise optometry.

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- (5) Proof of one offence is sufficient to establish practice.
- (6) Nothing in this section applies to a student of optometry who is enrolled in the School of Optometry, University of Waterloo and who practises optometry as required by the curriculum of studies and is under the supervision of a member of the College; or an applicant for registration who is required to complete further courses of study prior to being admitted to the qualifying examinations and who practises optometry as part of such courses and is under the personal supervision of a member of the College.
- (7) Every person who contravenes any of the provisions of this Part or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not less than \$200 and not more than \$500 and for each subsequent offence to a fine of not less than \$500 and not more than \$1,000 and not more than six months imprisonment.
- (8) All fines recovered for offences against this section or the regulations shall be paid to the Crown.

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tationship
cil

S.9. The Board may

- (a) review the activities of the Council;
- (b) request Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and

information as the Board requires including information from the register;

- (d) call meetings with the Council or a committee thereof;
- (e) advise Council with respect to the implementation of their legislation^d and regulations and with respect to the methods used or proposed to be used by Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister;
- (g) consider the by-laws of the Council and provide advice to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request the Council to make regulations respecting any of the matters specified in this Part where the Council has failed to make such regulations.

PART
RELATING TO
OTHER HEALTH PRACTITIONERS

Part relating to Other Health Practitioners

Interpre-
tation

1. In this Part

- (a) "Audiologist" means a person registered under this Part to practise audiology;
- (b) "Audiology" means the assessment, diagnosis, examination and treatment of and research in disorders of hearing;
- (c) "Naturopath" means a person registered under this Part to practise naturopathy;
- (d) "Naturopathy" means the treatment of any ailment, disease, defect or disability of the human body by natural therapeutics including and limited to body mechanics, physiotherapy and corrective nutrition, but does not include the prescription or administration of drugs internally or externally or the use of anaesthetics for any purpose;
- (e) "Orthopedic Technician" means a person registered under this Part to engage in the practise of orthopedic technology;
- (f) "Osteopath" means a person registered under this Part to practise osteopathy;
- (g) "Osteopathy" means the diagnosis and treatment of any ailment, disease, defect or disability of the human body with particular emphasis on the relationship between body structure and organ function and including manipulative therapy but not including the prescription of or administration of drugs, or the use of anaesthetics or the use of surgery;
- (h) "Remedial Gymnastics" means the application of body movement in all its form in any medium whether passive or active, specific or general, in the treatment of congenital or acquired, acute or chronic, diseased, degenerative or traumatic conditions on prescription by a legally qualified medical practitioner;
- (i) "Remedial gymnast" means a person registered under this Part to practise remedial gymnastics;

- (j) "Remedial Massage" means the giving of treatments on the prescription of a legally qualified medical practitioner by,
 - (a) kneading, rubbing and massaging of the body but without adjusting or attempting to adjust any bony structure thereof;
 - (b) the use of steam baths, electric baths, electric light baths, vapour baths or fume baths; and
 - (c) the use of thermal or ultra-violet lamps;
- (k) "Remedial Masseur" means a person registered under this Part to practise remedial massage;
- (l) "Speech Pathologist" and "Speech Therapist" mean a person registered under this Part to practise speech pathology;
- (m) "Speech Pathology" means the assessment, diagnosis, examination and treatment of and research in disorders of speech, voice and language formulation

Relationship 2.
College
Board

- The Board may
- (a) review or supervise the activities of the Council;
 - (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
 - (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the registers;
 - (d) call meetings with the Council or any committee thereof;
 - (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;

- (f) review or ~~comment~~ on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Registrar
of Health
Practitioners

3. There shall be a Registrar of Health Practitioners who shall be appointed by the Health Practitioners Registration Council.

Issuance of
Licence

- 4.-(1) An applicant therefor is entitled to be issued a certificate of registration except where,
- (a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Council;
 - (b) the applicant is not in a position to carry on the practice for which he has applied in compliance with this Act or the regulations;
 - (c) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.
- (2) A certificate of registration is subject to such terms and conditions as are consented to by the applicant, imposed by the Council or prescribed by the regulations.
- (3) A certificate of registration is not transferable.
- (4) A certificate of registration expires one year after its issue or renewal.

Refusal to
sue

5.-(1) Subject to section 7, the Registrar may refuse to issue or renew a certificate of registration to an applicant where in the Registrar's opinion the applicant is not entitled to a certificate of registration under section 4.

(2) Subject to section 7, the Registrar may suspend or revoke a certificate of registration

(a) for any reason that would disentitle the licensee to be issued a certificate of registration under section 5 if he were an applicant;

(b) where the registrant is in breach of a term or condition of his certificate of registration; or

(c) where the registrant is in contravention of this Part or the regulations or of any Part of this Act.

6.-(1) There shall be a board to be known as the Health Practitioners Registration Board composed of seven members appointed by the Lieutenant Governor in Council, of whom at least two shall not be persons registered under this Part.

(2) Four members of the Board constitute a quorum.

(3) The Council may appoint such officers and employees as are considered necessary for the carrying out of the duties of the Council.

(4) The members of the Council shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council.

- (5) The Council shall,
- (a) establish and maintain such registers as the Council deems necessary and shall publish a list of those registered;
 - (b) review the operation of this Part and the regulations and make recommendations to the Board thereon;
 - (c) set or approve examinations for the qualification of applicants for certificate of registration;
 - (d) consider complaints or reports regarding the conduct or actions of a registrant;
 - (e) perform such other duties as are assigned to it by this Act or the regulations or by any other Act;
 - (f) appoint advisory committees for each category of registrants under this Part to advise the Council on the operation of the Part.

Notice of
proposal to
refuse or
revoke

- 7.-(1) Where the Registrar proposes to refuse to issue a certificate of registration, he shall serve notice of his proposal, together with written reasons therefor on the applicant or licensee.
- (2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by The Health Disciplines Board as provided in Section 9 of Part 1 of this Act.
- (3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.
- (4) Where before expiry of his certificate of registration, a registrant has applied for renewal of his certificate of registration and paid the prescribed fee, his certificate of registration shall be deemed to continue,

Complaints
Committee

- (a) until the renewal is granted; or
 - (b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Council has expired and, where a hearing is required, until the Council has made its decision.
- 8.-(1) The Council shall appoint annually from among its members 3 members to be designated as a Complaints Committee.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
 - (3) The Council shall name one member of the committee to be Chairman.
 - (4) A majority of the members constitutes a quorum.
 - (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any registrant, but no action shall be taken by the Committee unless,
 - (a) a written complaint or report has been filed with the Council and a registrant whose conduct or actions are being investigated has been notified;
 - (b) the registrant whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the registrant whose conduct is being investigated is permitted, if he so requests, to appear before the Council to give oral evidence on his behalf.

(6) The Committee in accordance with its findings may direct that,

- (a) no hearing be held in the case by the Discipline Committee; or
- (b) the matter be referred, in whole or in part, to the Discipline Committee; or take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.

(7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the registrant whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the registrant.

(8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.

(9) Notwithstanding subsection 6, the Council shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

9.-(1) The Council shall appoint annually from among its members 3 members to be designated as a Discipline Committee.

(2) Two members of the Committee constitute a quorum.

(3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.

(4) The Council shall name one of the members as Chairman.

- (5) The Discipline Committee shall, when so directed by the Complaints Committee or the Council, hold a hearing into charges respecting professional misconduct or incompetence of a registrant.
 - (6) A registrant who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the penalties herein-after provided.
 - (7) A registrant may be found guilty of professional misconduct by the Committee if,
 - (a) the registrant has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon proof of such conviction;
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct as prescribed in the Regulations.
 - (8) The Discipline Committee may find a registrant to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature or degree or extent that renders him unfit to continue in practice.
- 10.(1) The Discipline Committee shall, when so directed by the Council, or Complaints Committee,
- (a) inquire into charges of professional misconduct or incompetence against any registrant;
 - (b) inquire into and report to the Council upon an application by a former registrant to have his name restored to a Register; and

- (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the registrant is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the registrant guilty of professional misconduct or of incompetence.
- (3) Where the Discipline Committee finds a registrant guilty of professional misconduct or incompetence it may by order,
 - (a) direct the Registrar to erase the name of the registrant from the register on which he is registered;
 - (b) suspend the registrant for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the registrant in such a manner or for such a period as the Committee may designate;
 - (d) direct that the registrant be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (e) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the registrant guilty of incompetence, and the registrant appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.

(5) Where the Discipline Committee finds a registrant guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

11. Where the Discipline Committee finds a registrant guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the registrant and to the persons complaining or reporting in respect to the conduct or action of the member.

12. (1) A former registrant whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.

(2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former registrant.

(3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.

Regulations

13. The Lieutenant Governor in Council may make regulations after prior review by the Board,

- (a) governing the manner in which registrants conduct their practice and business affairs;
- (b) regulating or prohibiting advertising by or on behalf of registrants;
- (c) prescribing the manner in which registrants may describe themselves and their practice and prohibiting the use of such descriptions in connection with any other person or activity;
- (d) governing applications for and issuing of certificate of registration and renewals thereof and prescribing terms and conditions of certificate of registration;
- (e) requiring the payment of fees on applications for certificate of registration and renewals and for the taking of examinations and prescribing the amounts thereof;
- (f) prescribing the qualifications of applicants for certificate of registration and renewals and providing for the holding of oral and written examinations set or approved by Council;
- (g) requiring registrants to make returns and furnish information to the Registrar;
- (h) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (i) prescribing forms for the purposes of this Act and providing for their use;
- (j) prescribing further procedures respecting matters coming before the Board;
- (k) defining professional conduct for the purposes of this Part;
- (l) assigning additional duties to the Board.

14. (1) Every person registered as a osteopath under The Drugless Practitioners Act immediately prior to the coming into force of this Part shall be registered under this Part as an osteopath.

- (2) Every person registered as a drugless therapist under The Drugless Practitioners Act immediately prior to the coming into force of this Part shall be registered under this Part as a naturopath but no additional persons shall be registered as a naturopath after this Part comes into force.
- (3) Every person practising osteopathy or naturopathy shall be registered under this part and if any person not so registered practises or professes to practise osteopathy or naturopathy, he is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (4) Subsection 1 does not apply to
- (a) the rendering of first aid or temporary assistance in cases of emergency;
 - (b) any person registered under another Part or any Act relating to the treatment of human ailments to the extent that the actions or conduct in question of that person is within the scope of practice authorized in that Part or Act.
- (5) Proof of one offence is sufficient to establish practice.
- (6) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for a second offence to a fine of not more than \$2,000 or six months imprisonment or both.
- 15.(1) Any person not registered under this Part who assumes, uses or employs the title osteopath, naturopath, drugless therapist, remedial gymnast, remedial masseur, speech pathologist, speech therapist,

audiologist, or registered orthopaedic technician or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

(2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$1,000, for a second offence to a fine of not more than \$2,000.

16. Any fines payable for offences under this Part shall be paid to the Crown.

17. The Drugless Practitioners Act and the regulations made thereunder are repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.

PART
RELATING TO
PHARMACY

THE HEALTH DISCIPLINES ACT
THE PART RELATING TO PHARMACY

1. In this Part,
- (a) "apprentice" means a person who is registered as such under this Part;
 - (b) "by-laws" mean the by-laws made under this Part;
 - (c) "certificate of accreditation" means the certificate issued to a pharmacy that has complied with the regulations as to standards for the maintenance and operation of pharmacies;
 - (d) "chiropodist" means a chiropodist as defined in Part () of this Act;
 - (e) "College" means the Ontario College of Pharmacists;
 - (f) "Council" means the Council of the College;
 - (g) "dentist" means a dentist as defined in Part () of this Act;
 - (h) "deputy registrar" means the deputy registrar appointed by the Council under this Part;
 - (i) "dispensing" includes the responsibility for taking all reasonable steps to ensure pharmaceutical and therapeutic appropriateness as well as the preparing and releasing of prescribed medication;

- (j) "drug" means any substance or preparation containing any substance
- (i) manufactured, sold or represented for use in
1. the diagnosis, treatment, mitigation or prevention of a disease, disorder, abnormal physical or mental state or the symptoms thereof, in humans, animals or fowl, or
 2. restoring, correcting, or modifying functions in humans, animals or fowl;
- and includes any substance, whether or not produced in whole or part by a synthetic process, and either alone or in conjunction with another substance, a definition and composition of which is found in any publication named by the regulations, or
- (ii) referred to in Schedules B, C, D, E, F, G and N, or
- (iii) that is named by the regulations;
- (k) "inspector" means an inspector appointed under a by-law of the College;
- (l) "interchangeable pharmaceutical product(s)" means a drug or drugs containing the same amount or amounts of the same active ingredient or ingredients in the same dosage form;
- (m) "interne" means a person who is registered under section (30) of this Part;
- (n) "licence" means the certificate issued under the seal of the College, signed by the president and the registrar which certified that the person named therein was, as of the date thereof, licensed as a member of the College;

- (o) "manager" means the pharmacist designated by the owner of a pharmacy to have authority over and be responsible for the operation of the pharmacy;
- (p) "member of the College" means a pharmacist licensed under this Part;
- (q) "PARCOST C.D.I." means the edition of the PARCOST Comparative Drug Index, prepared by the Ontario Ministry of Health, which is named in the regulations;
- (r) "personal supervision" means the direct supervision exercised by a pharmacist who is physically present;
- (s) "pharmacist" means a person who is licensed to practice the profession of pharmacy under this Part;
- (t) "pharmacy" means a place accredited under this Part for the purpose of,
 - (i) selling drugs by retail, and
 - (ii) compounding and dispensing prescriptions;
- (u) "Pharmacy Examining Board of Canada" means the Board constituted under "An Act to incorporate The Pharmacy Examining Board of Canada" (Canada);
- (v) "physician" means a physician registered under Part () of this Act;
- (w) "poison" means any substance and any preparation containing any substance listed in Schedule D;
- (x) "practice of pharmacy" means any professional service performed by a pharmacist related to the control of the manufacturing, distributing, compounding, dispensing or use of drugs;

- (y) "prescription" means a direction from any person authorized to prescribe drugs under this Act or a veterinarian directing the dispensing of any drug or mixture of drugs for a designated person or animal;
- (z) "register" means any register established under this Part and the regulations;
- (za) "registrar" means the registrar appointed by the Council under this Part;
- (zb) "regulations" mean the regulations made under this Part;
- (zc) "renewal certificate" means the renewal of the certificate issued by the registrar certifying that the licence of the person named therein has been renewed;
- (zd) "sell" means to supply with or without consideration;
- (ze) "veterinarian" means a person who holds a certificate entitling him to practise veterinary science under The Veterinarians Act. R.S.O. 1970 C.480.
- (zf) "prescriber" means a legally qualified medical practitioner, dentist or veterinary surgeon who gives a prescription.

- 2.-(1) The Ontario College of Pharmacy is continued under the name the Ontario College of Pharmacists as a body corporate and for the purposes of the College may purchase, acquire, hold, mortgage, lease and dispose of real and personal property, and will enjoy all powers of a corporation incorporated under the Business Corporations Act 1970.
- (2) Every person registered as a pharmaceutical chemist under the Pharmacy Act R.S.O. 1970, Chapter 348, immediately prior to the coming into force of this Part is a member of the College, and his certificate of registration shall constitute his licence to practise.
- 3.-(1) There shall continue to be a Council which shall be the governing body of the College and shall manage and administer its affairs.
- (2) The Council shall be composed as follows:
- (a) Not less than 13 and not more than 19 members of the College to be elected from among and by pharmacists in the manner provided by the regulations;
 - (b) Three persons to be appointed by the Lieutenant Governor in Council for a term of office as provided herein;
 - (c) The Dean of each faculty of pharmacy in Ontario, or in his absence, a representative from his Faculty appointed by the Dean, provided that such appointee is a member of the College;
- (3) Each member of the Council elected or appointed under subsection (2) clause (a) and clause (b) hereof shall hold office for a period of two years commencing on the first meeting of the first session immediately following the election pursuant to subsection (2) clause (a) hereof.

4. (a) The Council shall by by-law divide Ontario into not fewer than 13 and not more than 18 electoral divisions and shall fix the boundaries of such divisions; and
 - (b) The Council may by by-law redivide Ontario into not fewer than 13 and not more than 18 electoral divisions or may rearrange the boundaries of the electoral divisions; provided that not more than one by-law to vary the number of electoral divisions or to vary the boundaries thereof shall be passed in any period of five years.
-
5. An election of the members of the Council who are to be elected shall be held on the first Wednesday in August in every second year following the last preceding election, and
 - (a) one member of the Council shall be elected from each electoral division from among those entitled to vote in such electoral division; and
 - (b) one or more members as may be determined by the Council by by-law shall be elected from among the members of the College whose principal place of practice on the 1st day of June immediately preceding the election is in a hospital in Ontario approved or licensed under any general or special Act of the Province of Ontario or the Government of Canada.

6. Every member of the College licensed under this Part who is not in default in payment of any fees payable by him under this Part,
- (a) may vote in the electoral division in which his place of practice is located on the 1st day of June immediately preceding the election; or
 - (b) if his place of practice is in more than one electoral division on the 1st day of June immediately preceding the election, he shall name one of such divisions as his principal place of practice and may vote in that division only; or
 - (c) if he has no fixed place of practice in Ontario, he may vote in the electoral division in which he resided on the 1st day of June immediately preceding the election; or
 - (d) if on the 1st day of June immediately preceding the election his principal place of practice is in a hospital in Ontario approved or licenced under any general or special act of the Province of Ontario or the Government of Canada, he may vote only for a member to be elected from among members to practising.
7. If a member of the Council elected pursuant to section (5) clause (b) ceases to practise in a hospital he ceases to be a member of the Council.
8. An elected member of the Council may at any time by giving notice in writing to the registrar, resign his office, and in case of a vacancy occurring through resignation or otherwise,

8. cont'd

- (a) if the vacancy occurs more than six months before the date a general election is required to be held, an election shall be held within two months of the occurrence of the vacancy in the electoral division in which the vacancy occurred; or
- (b) if the vacancy occurs less than six months before the date a general election is required to be held, the Council, at its next meeting after the vacancy occurs, shall appoint a member of the College qualified to vote in the electoral division in which the vacancy occurred to fill the vacancy for the balance of the term.

- 9.-(1) The Council, at its first meeting, shall elect a president and a vice-president from among its members.
- (2) The Council shall appoint a registrar who shall hold office during the pleasure of the Council and shall receive such remuneration as the Council may determine.
- (3) The Council may appoint a deputy registrar who shall hold office during the pleasure of Council, shall possess the powers of the registrar for the purpose of this Part and shall receive such remuneration as the Council may determine.
- (4) The Council may appoint such officers and employees as are necessary to carry out the duties of the Council under this Part, and who shall receive such remuneration as Council may determine.

- 10.-(1) The Council has sole control and management of the real and personal property of the College.
- (2) The Council shall have the power to make grants out of College funds as it deems appropriate for the maintenance and operation of The Niagara Apothecary or other historic site and for any purpose that may tend to advance scientific knowledge or pharmacy education and maintain or improve the standards of the practice of pharmacy.
- (3) The Council may elect as honorary members of the College such persons as it considers eminent for scientific, professional or humanitarian attainments, but no such honorary member as such is entitled to vote at elections or to practise pharmacy.
- (4) The Council shall establish and maintain a general register, and may establish and maintain a special register, an educational register and a provisional register or such other registers as the Council considers may be required and may publish a list of those registered.
- (5) The Council shall propose changes in legislation and regulations which it requires for the proper performance of its duties in order that the public interest may be served and protected.
- (6) The Council shall hold at least two meetings for the transaction of general business in every year at such times and at such places as it from time to time may by resolution determine.

11. The Board may
- (a) review the activities of the Council;
 - (b) request or require the Council to undertake activities which are necessary or advisable to carry out effectively the intent of this Part;
 - (c) require the Council to provide such reports and information as the Board requires including information from the registers;
 - (d) call meetings with the Council or a committee thereof;
 - (e) advise the Council with respect to the implementation of its legislation or regulations to protect the public interest;
 - (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister;
 - (g) advise the Council with respect to the methods used by the Council to implement policies and to enforce regulations and procedures;
 - (h) consider the by-laws of the Council and provide advice to the Council with respect to the proposed implementation or revision of such by-laws;
 - (i) request the Council to make regulations respecting any of the matters specified in its Part where the Council has failed to make such regulations.

12. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,
- (a) prescribing requirements for licensing persons under this Part;
 - (b) providing for the registration of persons admitted to practice, and providing for the maintenance and inspection of registers of persons admitted to practice;
 - (c) prescribing the fees to be paid by applicants for licensure;
 - (d) prescribing the annual and special fees to be paid by every pharmacist, and by every person operating a pharmacy;
 - (e) providing for the setting of examinations for persons seeking registration or re-registration under this Part;
 - (f) respecting any matter ancillary to the provisions of this Part with regard to the admission of members, the cancellation or suspension of members, the resignation of members, and the readmission of former members;
 - (g) providing for a licence and renewal thereof as evidence of registration and for the examination of a member's past record in authorized proceedings;
 - (h) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to pharmacies and the practice of pharmacy and the examination and audit that shall be made of such books and records, including the books and records that shall be exempt from such examination;
 - (i) regulating and controlling the use of terms, titles or designations that may be used by persons in respect to the practice of pharmacy;

12. cont'd

- (j) respecting the reporting and publication of decisions in disciplinary matters;
- (k) providing for the collection and compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics;
- (l) respecting the dispensing of medication for the treatment of minors;
- (m) ensuring appropriate standards of practice of pharmacy;
- (n) providing for continuing education and requiring participation of members therein and fees to be paid therefore;
- (o) prescribing the qualifications of apprentices and the length of term and the terms and conditions of apprenticeship;
- (p) prescribing the length of the term of apprenticeship and other requirements for registration as internes;
- (q) providing for the registration of students, apprentices and internes and prescribing the fees therefor;
- (r) providing for the establishment and maintenance of patient record systems;
- (s) providing for the filing with the registrar of information respecting the location of the place of practice and the residential address of pharmacists, the name and address of pharmacies in the province including the name and address of the owner and the manager of such pharmacies, and any changes thereof, and the form of such information and the time of filing.

12.cont'd

- (t) providing for the information, instruments or documents to be filed with the registrar by persons opening, acquiring, relocating or closing a pharmacy, the form thereof and the time of filing;
- (u) prescribing standards for accreditation of pharmacies including maintenance, operation, space, equipment and facilities required therefor;
- (v) prescribing the form of the licence to practice and the form of the certificate of accreditation for pharmacies;
- (w) prescribing standards for the sub-division of premises so that all or some specified drugs or classes thereof are restricted to a specified area and so that the part of an establishment to which such drugs are restricted may be rendered not accessible to the public, while the other part remains open;
- (x) adding any substance or preparation containing such substance or deleting any substance or preparation containing such substances from the lists of substances and preparations containing such substances in the Schedules to this Part, or striking out any list and substituting another list therefor;

12. cont'd

- (y) prescribing the percentage of any substance to be contained in any preparation referred to in any Schedule;
- (z) prescribing the types of containers to be used for containing any drug and the designs, specifications and labelling of containers used for containing any drug;
- (za) prescribing the manner in which prescriptions shall be given in respect of the drugs referred to in Schedules E, F, G and N and the conditions under which such prescriptions may be given;
- (zb) prescribing the manner in which records shall be kept of the purchase and sale of the drugs referred to in Schedules D, G and N;
- (zc) authorizing the dispensing of prescriptions without further prescription and prescribing the conditions under which prescriptions may be dispensed without further prescription;
- (zd) designating poisons that may be sold by persons not otherwise authorized under this Part and authorizing the sale of such poisons by any persons or classes of persons not otherwise authorized under this Part and prescribing the conditions under which such poisons shall be sold by such persons or classes of persons;
- (ze) designating drugs that may be sold to owners of animals or birds for the treatment of such animals or birds by persons not otherwise authorized under this Part and authorizing the sale

12. cont'd

(ze) cont'd

without prescription of such drugs to owners of animals or birds for the treatment of such animals or birds by any persons or classes of persons not otherwise authorized under this Part and prescribing the conditions under which such drugs shall be sold by such persons or classes of persons;

(zf) providing for the creation of a distinctive symbol to designate drugs referred to in Schedule E;

(zg) prescribing forms and providing for their use;

(zh) pertaining to the transfer of authorized prescription repeats and the records to be kept by the transferor and the transferee of such repeats;

(zi) respecting the manner in which pharmacists may represent themselves to the public and the designations that pharmacists shall use in the course of their practice of pharmacy;

(zj) respecting the advertising of professional services;

(zk) respecting the tribunal to conduct an inquiry pursuant to section (27) including its authority which may include the right to require the member to submit to a physical and mental examination and assessment, and all matters of procedure or otherwise considered necessary or desirable to enable due inquiry to be made;

(zl) respecting any other matters which may be required to enable the Council to manage adequately and administer the affairs of the College.

12. cont'd

- (zm) exempting specified persons, drugs and premises for specified periods from the application of all or part of this Part for the purpose of experimentation, improvement or innovations in the provision of health care;
- (zn) providing for the adoption of any standard, code, specification, schedule or lists of drugs not inconsistent with this Part by reference to said standard, code, specification, schedule, or lists of drugs;
- (zo) providing for the records to be kept of the compounding and dispensing or sale of the drugs used by a veterinarian in the course of his practice.

- 13.-(1) The Council may pass by-laws not inconsistent with this Part respecting,
- (a) the management of property belonging to the College;
 - (b) banking and finance;
 - (c) providing for the payment of necessary expenses of the Council in the conduct of its business;
 - (d) the calling, holding and conducting of meetings of the Council and the duties of members of Council;
 - (e) the appointment of administrative officers including inspectors and delineation of their duties;
 - (f) the remuneration and reimbursement of members of the Council and others when providing services authorized by the Council, or the Executive Committee;
 - (g) membership of the College in a federation of provincial pharmacy licensing authorities of Canada, or any similar organization, the payment of an annual assessment and provision for representatives at meetings;
 - (h) providing for the holding of elections of members of the Council to be elected including the nominations of candidates, the notice of elections, the taking of the vote and a casting vote in case of an equality of votes;
 - (i) fixing the date for payment of any annual fee required to be paid under this Part;
 - (j) providing for the appointment, composition, powers and duties of such statutory, standing or special committees as may be required;

13. cont'd

- (k) the appointment of the chairman of the Discipline Committee, the provision and naming of a suitable place to hold disciplinary hearings, the provision of the services of counsel and a court reporter, and such other assistance as is necessary or proper to enable the Discipline Committee to properly perform its duties;
 - (l) the duties of the registrar;
 - (m) any other matters necessary or advisable for the management of the affairs of the College or Council including any committee thereof.
- (2) A copy of the by-laws made under subsection (1), as amended from time to time,
- (a) shall be forwarded to the Board,
and
 - (b) shall be available for public inspection at all reasonable times in the office of the registrar.

14.

- (a) Subject to the provisions of section (18) the Council may upon application reinstate to full or restricted practice conditions a person whose licence has been cancelled or suspended under this Part and the Council may upon the application of a member of the College whose right to practice has been limited under this Part reinstate the member of the College to full practice rights or otherwise vary the direction limiting his right to practice;

14. cont'd

- (b) Council may as a condition of granting an application made pursuant to clause (a) require such person or member of the College to pass such examinations as it may determine.

15.-(1) There is payable to the registrar for use of the College on such date in each year as is fixed by by-law such annual fees as the regulations prescribe,

- (a) by every pharmacist; and

- (b) by every person operating a pharmacy, for each pharmacy.

(2) There is payable to the registrar by every pharmacist for use of the College in its continuing education programme such special fee as may be prescribed by the regulations.

16. Where a person has not paid any annual fee as required by clause (a) of subsection (1) of section (15) within 15 days after the date it was payable, the registrar may give him notice of such default by registered mail, sent to his last address as shown on the register, and if default continues for 15 days thereafter the Council may direct that the licence of such person be cancelled, and the registrar shall note such cancellation in the register, and any licence issued to such person under this Part is thereby cancelled.

17. A member of the College may have his name erased from the register on filing with the registrar his resignation in writing but shall be subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while registered.

18. A person whose application for reinstatement has been approved by the Council under section (14) and a person whose licence has been cancelled under section (16) or erased under section (17) and who is otherwise eligible for licensing, may on application have his name re-entered on the register by,
- (a) payment of arrears of fees for the previous five years; and
 - (b) passing such examinations and meeting such other requirements as the regulations prescribe; and
 - (c) payment of such examination fee as the regulations prescribe; and
 - (d) payment of such reinstatement fee as the regulations prescribe.

19. The Council shall appoint from among its members an Executive Committee, a Complaints Committee, a Discipline Committee and a Registration Committee.

- 20.-(1) The Executive Committee shall be composed of,
- (a) the President and Vice-President, and the immediate Past-President, if a member of the Council; and
 - (b) two other members of the Council, or three members of the Council if the immediate Past-President is not a member of the Council, one of whom may be a person appointed to the Council by the Lieutenant Governor in Council.
- (2) The President shall be the chairman.
- (3) A majority of members of the committee shall constitute a quorum.

20. cont'd

- (4) The committee may deal with matters referred to it by the Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council; any decision respecting a matter of continuing policy shall remain in effect only until the next ensuing session of the Council unless confirmed at that session, but the committee has no power to alter, suspend or repeal any by-law of the Council.

- 21.-(1) The Complaints Committee shall be composed of,
 - (a) three members elected to the Council, and
 - (b) one person from among those appointed to the Council by the Lieutenant Governor in Council;
- (2) The Council shall elect one member of the committee to be chairman of the committee.
- (3) No member of the committee shall be a member of the Discipline Committee.
- (4) A majority of the members of the committee shall constitute a quorum.
- (5) In the case of a vacancy in the committee or if any member of the committee is unable to attend, the President may designate another member of Council to fill the vacancy or replace the absent member; in the absence of the chairman, the other members of the committee shall designate one of their number as chairman.

21. cont'd

- (6) The committee shall consider complaints or reports regarding the conduct or actions of a member of the College or complaints or reports regarding a breach of the provisions of this Part.
- (7) In accordance with its findings the committee may either;
 - (a) direct that no inquiry shall be held in the case by the Discipline Committee, or
 - (b) direct that the matter in question shall, in whole or in part, be referred to the Discipline Committee, or
 - (c) make such recommendation as it seems appropriate in the circumstances and which is not inconsistent with this Act, the regulations or the by-laws.
- (8) The decisions of the Complaints Committee and the Discipline Committee and the evidence taken at their hearings are not admissible in any civil action.

- 22.-(1) The Discipline Committee shall be composed of;
- (a) six members elected to the Council, and
 - (b) one person from among those appointed to the Council by the Lieutenant Governor in Council.
- (2) Any four members of the committee shall constitute a quorum.
 - (3) In the case of a vacancy in the membership of the committee or if a member is unable to act the President may designate another member of Council to fill the vacancy or replace the absent member.

23.-(1) The Discipline Committee appointed under this Part may direct that;

- (a) the licence of any member of the College be cancelled, or
- (b) the licence of any member of the College be suspended for such time as the Discipline Committee considers proper, or
- (c) any member of the College be reprimanded, or
- (d) that the right to practice of any person be limited as the committee may direct,

if,

- (i) such member of the College has been convicted of an offence against any Act of the Parliament of Canada or of the legislature of any province of Canada relating to the sale of drugs, poisons, medicines or alcoholic liquors; or
- (ii) his rights or privileges under the Narcotic Control Act (Canada) or the Food and Drugs Act (Canada) or the regulations under either of them have been restricted or withdrawn, unless by his own request, upon proof thereof; or,
- (iii) the member of the College has been found guilty of an offence upon indictment or guilty of an offence relating to professional practice upon indictment or summary conviction, upon proof of such conviction; or
- (iv) it finds that such member of the College has been guilty of negligence or incompetence in a professional respect or of professional misconduct.

and the registrar shall note such cancellation, suspension, reprimand or direction limiting the right to practice, in the register.

23. cont'd

- (2) (a) any licence which has been cancelled shall be forthwith surrendered to the registrar;
- (b) any licence which has been suspended shall not be displayed.

24.

A pharmacist whose licence has been cancelled or suspended

- (a) shall not be employed in a pharmacy;
- (b) shall not act as a director or vote or interfere as a shareholder in a corporation operating a pharmacy;
- (c) shall not own a pharmacy either as sole proprietor or in partnership;

except as provided elsewhere in this Part.

25.

- (1) If the licence of a pharmacist who owns a pharmacy, either as a sole proprietor or in partnership is cancelled, such a pharmacy shall not be operated under his ownership except under the personal supervision and management of a pharmacist and then only for a period of six months after such cancellation.
- (2) If the licence of a pharmacist who owns a pharmacy, either as a sole proprietor or in partnership is suspended, such a pharmacy shall not be operated under his ownership during such suspension except under the personal supervision and management of a pharmacist.

- 26.-(1) Where the Discipline Committee cancels or suspends the licence of a pharmacist or reprimands a pharmacist or directs that his right to practice be limited, it may direct such person to pay to the College the costs of and incidental to the hearing, which may include the cost of reporting and transcribing the evidence.
- (2) The costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collecting of such costs by the College, as upon a judgment in an action in such court.
- 27.-(1) If, pursuant to any Act, a member of the College has been found to be mentally incapacitated, mentally ill or incapable of managing his affairs or has been found after due inquiry to be suffering from a physical or a mental condition or disorder, including addiction to alcohol or drugs, of a nature and extent making it desirable in the interests of the public or the member of the College that his registration be suspended or that his professional practice be restricted or controlled, the Council or the Executive Committee may by order suspend his registration or direct that his professional practice be restricted or controlled in such manner and for such period as the Council or the Executive Committee may designate.
- (2) If the order is made by the Executive Committee the order shall continue in effect only until it is confirmed with or without amendment at the next ensuing session of the Council.

27. cont'd

- (3) The registrar may give notice of an order made under this section to such persons, institutions or bodies as may appear desirable in the public interest.
- (4) The member of the College who is the subject of an order under this section is entitled to the same rights of appeal as in this Part provided in the case of an order or decision in disciplinary matters, and all such provisions shall apply.

- 28.-(1) There shall be a Registration Committee appointed by the Council which shall consider and decide upon applications for membership.
- (2) The Registration Committee shall be composed of
- (a) one member of the Council who is a Dean of a Faculty of Pharmacy of a University in Ontario or his representative on Council, and
 - (b) two members elected to the Council, and
 - (c) one person from among those appointed to the Council by the Lieutenant Governor in Council.
- (3) The Council shall elect one member of the Registration Committee to be chairman.
- (4) A majority of members of the committee shall constitute a quorum.

- 29.-(1) Every applicant for membership,
- (a) who,
 - (i) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto, and has passed such examinations as the regulations prescribe, or

(1) cont'd

(ii) has been granted such degree as may be deemed by the Registration Committee to be comparable to the degree of Bachelor of Science in Pharmacy of the University of Toronto, and has passed such examinations as the regulations prescribe, or

(iii) has completed such course of study and passed such examinations as the Registration Committee deems sufficient to render the academic qualifications of the applicant equivalent to those set out in clause (a) sub-paragraph (i) above, and has passed such examinations as the regulations prescribe; and

(b) who holds a certificate of qualification issued by the Pharmacy Examining Board of Canada; and

(c) who has had such practical training as the regulations prescribe; and

(d) who has paid the fees prescribed by the regulations; and

(e) who makes application for membership within such period as the regulations prescribe; and

(f) has such other qualifications as the regulations prescribe shall be licensed as a pharmacist and thereupon becomes a member of the College provided that any person whose right to practice pharmacy in any jurisdiction has been cancelled or suspended shall not be entitled to be licensed hereunder as a matter of right but such person may be licensed as a pharmacist and become a member of the College at the discretion of the Council.

(2) A person who fails to make an application for membership within the time prescribed by the regulations, but who is otherwise entitled to membership under subsection (1), may on application be licensed on passing such examinations and paying such fees as the regulations prescribe.

30.

Every apprentice who,

(a) has been granted the degree of Bachelor of Science in Pharmacy by the University of Toronto or such other degree as may be deemed by the Registration Committee to be comparable to the degree of Bachelor of Science in Pharmacy, University of Toronto;

and

(b) has served as an apprentice for such term and in accordance with such conditions as the regulations prescribe, upon making application therefor, shall be registered as an interne.

31.

The registrar shall keep,

(a) a register of all persons licensed under this Part as pharmacists showing their places of practice from time to time; and

(b) a register of all persons registered under this Part as apprentices showing the name and address of the place of practice of the pharmacist to whom each is apprenticed; and

(c) a register of all persons registered under this Part as internes showing their places of employment from time to time and the name and address of the place of practice of the pharmacist to whom each is apprenticed; and

(d) a register of pharmacies, and of the managers thereof; and

(e) a register of persons supplying drugs by wholesale.

- 32.-(1) Every person when his name is entered in the register as a pharmacist is entitled to receive a licence which is valid until the date fixed for the payment of the annual fee.
- (2) Every pharmacist upon payment of the annual fee prescribed by the regulations under clause (a) of subsection (1) of section (15) is entitled to a renewal certificate which is valid for one year from the date fixed for payment of the annual fee.
- (3) A licence and a renewal thereof shall be under the seal of the College in such form as the Council may prescribe, and is *prima facie* evidence of registration under this Part.
- (4) Every pharmacist shall display his licence in a conspicuous position in his principal place of practice.
- (5) Every pharmacist whose name has been legally changed, or whose original certificate of registration or licence has been lost, destroyed or damaged, is entitled to receive a duplicate certificate of registration or licence under such conditions and in such form as the Council may prescribe, and this duplicate and renewal thereof is *prima facie* evidence of registration under this Part.

33. Where any person or corporation operates a pharmacy contrary to this Part or the regulations, the owner and manager of such pharmacy, or either of them, or any director of a corporation operating a pharmacy, may be proceeded against, and prosecution or conviction of either of them is not a bar to prosecution or conviction of the other.

34. Every owner or manager of a pharmacy is liable for every offence against this Part committed by any person in his employ or under his supervision with his permission, consent or approval, express or implied, and every director of a corporation operating a pharmacy is liable for every offence against this Part committed by any person in the employ of the corporation with his permission, consent or approval, express or implied.
35. A person who sells any drug in contravention of this Part or the regulations is not entitled to recover any charges in respect thereof.
36. No person shall knowingly sell any drug under the representation or pretence that it is a particular drug that it is not, or contains any substance that it does not.
37. Any person not registered under this Part who pretends to be a pharmacist or takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Part is guilty of an offence, and on summary conviction is liable to the penalties hereinafter provided.
38. (a) Every person who contravenes any of the provisions of this Part or the regulations is guilty of an offence and on summary conviction is liable for a first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 and not more than six months imprisonment.

38. (b) All fines recovered for offences against this Part or the regulations shall be paid to the Crown.
- 39.-(1) In addition to any other remedy, where a conviction has been registered against any person for the commission of an offence under the provisions of this Part, the College may apply to a Judge of the Supreme Court by originating motion for an order enjoining the person convicted from the doing or continuation of any act or thing by that person constituting or directed towards the commission of such offence and the Judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.
- (2) Any person may apply to a Judge of the Supreme Court for an order varying or discharging any order made under subsection (1).
40. No person other than a pharmacist, a partnership of pharmacists, and a corporation meeting the requirements of section (49) shall own or operate a pharmacy, save as herein otherwise provided.
41. No person operating a pharmacy shall participate in any arrangement or agreement whereby prescriptions may be left at, picked up from, accepted by, or drugs delivered to any store or shop other than a pharmacy, provided that nothing in this section shall prohibit a person operating a pharmacy from picking up prescriptions, or delivering drugs, at the office or home of the prescriber, at the residence or place of employment of the patient, or at the hospital or extended care facility in which the patient is confined, by means of an employee or by use of a common carrier.

42.--(1) No person other than a pharmacist, a partnership of pharmacists, or a corporation meeting the requirements of section (49) shall represent that he or it carries on the practice of pharmacy and without restricting the generality of the foregoing, no such person shall,

(a) assume or use the title,

- (i) chemist and druggist;
- (ii) chemist, in connection with a retail business;
- (iii) druggist;
- (iv) pharmacist;
- (v) pharmaceutical chemist;
- (vi) apothecary;
- (vii) dispensing chemist; or
- (viii) dispensing druggist;

(b) use the designation,

- (i) drug store;
- (ii) pharmacy; or
- (iii) drug department

(c) use, in connection with a retail business, the designation,

- (i) drug sundries;
- (ii) drug or drugs; or
- (iii) medicines;

(d) use any sign, emblem, title or advertisement that implies or is calculated to lead the public to infer that he is licensed as a pharmacist under this Part, or that he or it is operating a pharmacy.

- (2) For the purpose of this section clauses (b) and (c) of section (74) hereof shall not apply.

43. (a) The owner of every pharmacy shall, when requested by the registrar, notify the registrar in writing within seven days of the receipt of such request of the name of the manager of each pharmacy owned by him and of the pharmacists, internes, apprentices and other persons employed therein.
- (b) The owner of every pharmacy shall notify the registrar in writing of any change in the management, or in the pharmacists or apprentices employed, in each pharmacy owned by him including the date of such change, within seven days of such change.

- 44.-(1) Every person who proposes to open a new pharmacy, acquire an existing pharmacy or re-locate an existing pharmacy shall, before operating such pharmacy file with the registrar, such information, instruments or documents and within such time as the regulations prescribe.

- (2) (a) Before operating any pharmacy referred to in subsection (1) the owner and the manager thereof shall certify in writing to the registrar that the pharmacy complies with the standards for accreditation of pharmacies prescribed by the regulations.
- (b) On receipt of the certificate referred to in clause (a) the registrar shall issue a certificate of accreditation in respect of such pharmacy.

45. Every person who permanently closes a pharmacy shall immediately remove all signs and symbols relating to the practice of pharmacy either within or without the premises, shall remove and dispose of all drugs according to law and shall submit in writing to the registrar such information and within such time as the regulations prescribe.
46. Every corporation which proposes to operate a pharmacy shall,
- (a) before commencing operation of the pharmacy, notify the registrar under the seal of the corporation, of the names and addresses of the directors and shareholders of the corporation and the number of shares held by each; and
 - (b) every corporation operating a pharmacy when requested by the registrar by registered mail, shall notify the registrar, under the seal of the corporation, within seven days of the receipt of such request of the names and addresses of the directors and shareholders, and the number of shares held by each as of the date the request was received.
 - (c) the provisions of clause (a) and clause (b) with respect to shareholders do not apply to a corporation which operated a pharmacy on the 14th day of May, 1954.
- 47.-(1) No person shall operate a pharmacy unless a certificate of accreditation has been issued in respect thereof.

47. cont'd

- (2) Subsection (1) shall not apply to a pharmacy being operated on the day this Part comes into force until the expiration of three months after this Part comes into force.
- (3) On receipt by the registrar of a certificate signed by the owner and the manager of a pharmacy that a pharmacy complies with the standards for accreditation for pharmacies prescribed by the regulations, the registrar shall issue a certificate of accreditation in respect of such pharmacy.

48. Subject to the provisions of sections (13, 14, 15, 16, 17 and 18 of the April 14, 1972 draft of Part I of the Health Disciplines Act) of this Act the Discipline Committee appointed under this Part may direct that the certificate of accreditation of any pharmacy be cancelled, or suspended if the provisions of this Part and regulations respecting standards for accreditation are not complied with.

- 49.-(1) No pharmacy shall be operated by a corporation unless the majority of the directors of the corporation are registered as pharmacists under this Part.
- (2) No pharmacy shall be operated by a corporation unless a majority of each class of shares of the corporation is owned by and registered in the name of pharmacists.
 - (3) Subsection (2) does not apply to any corporation which operated a pharmacy on the 14th day of May, 1954, and on the _____ day of _____ 19__ so long as such corporation continues to operate a pharmacy.

50. Any record required to be kept under this Part shall be open to inspection by any constable or other police officer or by any inspector appointed under a by-law, passed by the Council.
51. An inspector appointed under a by-law passed by the Council under this Part may enter any pharmacy or other shop in the performance of his duties under this Part at all reasonable times.
52. No person shall keep open or operate a pharmacy unless,
(a) it is under the personal supervision of a pharmacist,
and
(b) it is managed by a pharmacist so designated by the owner of the pharmacy.
- 53.-(1) Where a person operating a pharmacy becomes bankrupt, insolvent or makes an assignment for the benefit of creditors, he shall so notify the registrar and, if the trustee in bankruptcy, liquidator or assignee, as the case may be, is authorized to operate the pharmacy, it shall be operated only under the personal supervision and management of a pharmacist.
- (2) Upon the death of a pharmacist who was operating a pharmacy at the time of his death, the personal representative of such deceased person may operate the pharmacy under the personal supervision and management of a pharmacist for a period of four years or for such further period as the Council may authorize.

53. cont'd

- (3) Every person authorized to operate a pharmacy under subsection (1) or subsection (2) shall immediately upon becoming so authorized file with the registrar evidence of his or its authority.
- (4) Upon the death of a pharmacist who was a shareholder of a corporation operating a pharmacy at the time of his death, the shares owned by and registered in the name of such deceased person at the time of his death may be registered in the name of and owned by the personal representative of such deceased person for a period of four years or for such further period as the Council may authorize, and for such period subsection (2) of section (49) does not apply to such corporation in respect of such shares.
- (5) Subsection (4) does not apply to a shareholder of any corporation referred to in subsection (3) of section (49).
- (6) Upon the death of a pharmacist who was a director of a corporation operating a pharmacy at the time of his death, subsection (1) of section (49) does not apply to such corporation by reason of such death for a period of six months or for such further period as the Council may authorize.

54. No person authorized to prescribe drugs shall own or have a proprietary interest directly or indirectly in a pharmacy.

55.-(1) Except as otherwise provided in this Part or the regulations, no person other than a pharmacist, a partnership of pharmacists or a corporation meeting the requirements of section (49) of this Part shall,

55. cont'd

(1) cont'd

(a) keep open shop for retailing, dispensing or compounding any drug; or

(b) offer for sale or keep for sale, by retail any drug.

(2) Except as otherwise provided in this Part or the regulations no person other than a pharmacist or an interne shall dispense or sell any drug.

(3) Subsection (2) does not apply to an apprentice when acting under the personal supervision of a pharmacist.

(4) Provided that a pharmacist or an interne is present in the pharmacy and is available to the purchaser for consultation, subsection (2) does not apply to the sale in a pharmacy of a drug other than the following:

(a) a drug requiring a prescription for sale;

(b) a drug referred to in Part I of Schedule D;

(c) a drug referred to in Schedule C.

56. Notwithstanding the provisions of section (55) a physician or a dentist may compound, dispense, sell or supply such drugs as are necessary for direct treatment of his patients, provide treatment in the case of an emergency or to provide treatment until the services of a pharmacist can be obtained.

57. Notwithstanding the provisions of section (55) and section (56) a physician or a dentist may compound, dispense, sell or supply such drugs as are necessary for the treatment of his patients when the services of a pharmacist are not reasonably readily available.

58. Notwithstanding the provisions of section 55, a veterinarian may compound, dispense or sell drugs necessary for the treatment of animals and shall keep such records of the compounding, dispensing or sale of such drugs as the regulations prescribe.
59. No person shall sell a drug listed in Schedule D unless it is labelled in accordance with the regulations.
60. No person shall sell by retail a drug listed in Part I of Schedule D unless a record of the sale is made in such manner as the regulations prescribe.
61. Sections (59) and (60) do not apply to a drug when it forms part of the ingredients of a prescription.
62. Subject to the regulations, no person shall sell by retail any drug referred to in Schedules E or F, except on prescription given in such form, in such manner and under such conditions as the regulations prescribe.

63. No person shall sell by retail,
- (a) any drug referred to in Part I of Schedule N except on a written prescription signed by the prescriber; or
 - (b) any drug referred to in Schedule G or Part II of Schedule N except on prescription given in such form, in such manner and under such conditions as the regulations prescribe.
- 64.-(1) (a) Every person who dispenses a drug pursuant to a prescription shall ensure that the following information is recorded on the prescription:
- (i) the name and address of the person for whom the medication is prescribed;
 - (ii) the name, strength (where applicable) and quantity of the prescribed medication;
 - (iii) the directions for use, as prescribed;
 - (iv) the name and address of the prescriber;
 - (v) the identity of the manufacturer of the drug dispensed;
 - (vi) an identification number or other designation;
 - (vii) the signature of the person dispensing the drug, and where different, also the signature of the person receiving a verbal prescription;
 - (viii) the date on which the drug is dispensed;
 - (ix) the price charged.
- (b) The records required under clause (a) shall be retained for not less than six years.
- (2) The container in which the drug is dispensed shall be marked with the following:

64. cont'd

(2) cont'd

- (a) the identification number;
- (b) the name, address and telephone number of the pharmacy in which the prescription is dispensed;
- (c) the identification of the drug as to its name, its strength and its manufacturer, unless directed otherwise by the prescriber;
- (d) the name of the owner of the pharmacy;
- (e) the date the prescription is dispensed;
- (f) the name of the prescriber;
- (g) the name of the person for whom it is prescribed;
- (h) the directions for use as prescribed.

- (3) The Minister may require any physician, dentist, veterinarian or pharmacist to make available to him any information from records required to be kept under this section.

- 65.-(1) Every person who dispenses a prescription may, unless otherwise directed by the prescriber, select and dispense an interchangeable pharmaceutical product other than the one prescribed, provided that the interchangeable pharmaceutical product dispensed is listed in the PARCOST C.D.I. and is lower in cost than the product prescribed.
- (2) No person shall knowingly supply an interchangeable pharmaceutical product dispensed pursuant to subsection (1) at a price in excess of the cost of the lowest priced interchangeable pharmaceutical product in his inventory and the maximum dispensing fee as set out in the PARCOST C.D.I.

65. cont'd

- (3) Subsection (2) shall not apply whenever in the professional judgment of the pharmacist there is reason in a particular instance to select and dispense an interchangeable pharmaceutical product, the cost of which exceeds the cost of the lowest priced interchangeable pharmaceutical product in his inventory.
- (4) The selection and dispensing of an interchangeable pharmaceutical product in accordance with the provisions of this section shall not be a contravention of the provisions of section (36).

66. (1) Every person in respect of whom a prescription is presented to a pharmacist to be dispensed, unless otherwise directed by the prescriber, is entitled to have a copy of it marked as such, furnished to him, his agent, or a pharmacist acting on behalf of such person or agent.
- (2) Prescriptions in a pharmacy that is closed shall be delivered to the persons, or agents of the persons, who presented the prescription, to another pharmacy which is reasonably readily available to such person or his agent, or failing either, to the College.

67. Notwithstanding the other provisions of this Part a pharmacist may dispense a drug pursuant to a written order signed by a physician or dentist licensed to practice in a province in Canada other than Ontario, if in the professional judgment of the pharmacist the patient requires the drug immediately, but such order shall not be refilled.

68. Drugs referred to in Schedules D, E, F, G, and N shall be sent through the mail only by registered mail.
69. The manager of every pharmacy shall keep or cause to be kept a record of every purchase and sale of a drug referred to in Schedules G or N in such form or manner as the regulations may prescribe.
- 70.-(1) The Minister may require any physician, dentist, veterinarian or pharmacist to report from time to time to him or to the College the quantity of any drug referred to in Schedules G or N that he has purchased, sold or prescribed during any period.
- (2) The Minister may require the registrar to report from time to time to him any information in the possession of the registrar with respect to any drug referred to in the Schedules to this Part.
- (3) Where it appears to the Minister that a physician, dentist, veterinarian or pharmacist has purchased, sold or prescribed an excessive, unreasonable or improper amount of any drug referred to in Schedules G or N or has failed to make a complete report under subsection (1), the Minister may report such matter to the disciplinary body of The College of Physicians and Surgeons of Ontario, The Royal College of Dental Surgeons of Ontario, The Ontario Veterinary Association, or The Ontario College of Pharmacists as the case may be.
- 71.-(1) No person or corporation shall sell by wholesale any poison or drug for the purpose of sale by retail to any person not entitled to sell the same by retail.

71. cont'd

- (2) Every person supplying drugs by wholesale in Ontario shall register with the College as a drug wholesaler and furnish the registrar with a signed statement showing:
 - (a) his full name and address, or if a corporation the name of the corporation, the names and addresses of the president and directors thereof;
 - (b) the principal business address;
 - (c) the address of each place of business, agent or representative in Ontario;
 - (d) the name of the manager or person responsible for each place of business in Ontario;
 - (e) the date on which he proposes to commence business at each new location in Ontario.
- (3)
 - (a) the information required by subsection (2) shall be furnished within 30 days of this Part coming into force and thereafter at least seven days before commencing business;
 - (b) any change in the information required by subsection (2) shall be furnished to the registrar within seven days of such change.

2.

In any prosecution under this Part, a certificate as to the analysis of any drug purporting to be signed by a Dominion or Provincial analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the analyst.

73. In any action or prosecution under this Part where:
- (a) any article is labelled as containing any poison or drug, it is admissible in evidence as *prima facie* proof that the article contains the poison or drug described on the label;
 - (b) any article is dispensed pursuant to a prescription and labelled in accordance with the provisions of this Part it is admissible in evidence as *prima facie* proof that the poison or drug named in the prescription was dispensed;
 - (c) any poison or drug is found in a shop or place in which business is transacted, the drug or poison is admissible in evidence as *prima facie* proof that it was kept for sale;
 - (d) any sign, title or advertisement contains the name of an establishment or the owner thereof, it is admissible in evidence as *prima facie* proof that the sign, title or advertisement was published by the owner of the establishment.

74. Nothing in this Part, except as otherwise provided,
- (a) prevents any person from selling a poison or drug to any person authorized under this Act to prescribe or use such poison or drug, or to a veterinarian or to a pharmacist;
 - (b) prevents a person from selling or affects or interferes with the sale by any person of any article or substance referred to in Part (I) of Schedule B;
 - (c) prevents a person from selling or affects or interferes with the sale by any person of any article or substance referred to in Parts II, III and IV of Schedule B, except that,

74. cont'd

(c) cont'd

- (i) where the article or substance is sold at retail
it shall be labelled as prescribed by the regulations
respecting such article or substance, and
 - (ii) where the article or substance is sold at retail for
the prevention or treatment of any ailment, disease
or physical disorder by any person other than a
pharmacist, it shall be sold in the container in which
it was purchased by the person who so sells it at retail.
- (d) affects or interferes with the compounding, dispensing or
supplying of poisons or drugs in any hospital or institution
authorized under any general or special Act to compound,
dispense or supply poisons or drugs provided that this clause
shall not apply to the provisions of section (75) and section
(76) of this Part.
- (e) prevents any person from selling or affects or interferes
with the sale by any person of,
 - (i) any substance registered under the Pest Control Products
Act (Canada) and sold in accordance with its provisions,
 - (ii) any feeding stuffs registered under the Feeds Act
(Canada) and sold in accordance with its provisions.

- 75.-(1) In this section and in section (76), "hospital" means any premises falling under the jurisdiction of:
- (i) The Mental Hospitals Act, R.S.O. 1970, c.270
 - (ii) The Private Hospitals Act, R.S.O. 1970, c.361, or
 - (iii) The Public Hospitals Act, R.S.O. 1970, c.378.
- (2) A pharmacist shall be appointed to the staff of every hospital.
- (3) The Lieutenant Governor in Council may make regulations exempting any hospital or class of hospitals from the application of all or part of this Part or the regulations in this section.
76. A hospital or institution may supply drugs only to persons hospitalized, under treatment, or confined in such hospital or institution.
77. Any standards, codes, specifications, schedules or lists of drugs not inconsistent with this Part set out under authority or any Act of the Parliament of Canada or of the legislature of any province of Canada may be adopted for purposes of this Part, the schedules or the regulations.

- 78.(a) The Lieutenant Governor in Council may make regulations regulating the use of containers in which drugs may be dispensed and designating organizations to test, certify and designate containers that meet standards approved by the Minister for such purposes as may be specified in the regulations, and requiring the use of containers that are so certified and designated except under such circumstances as are prescribed.
- (b) prescribing the Parcost CDI Index for the purposes of this Act.

SCHEDULE B

PART I

Alum	Glycerin
Aromatic Cascara	Linseed
Arrowroot	Mineral or Paraffin Oil
Bicarbonate of Soda	Olive Oil
Borax	Petroleum Jelly
Carbonate of Soda	Saccharin tablets
Castor Oil	Sodium Chloride
Cod Liver Oil	Turpentine
Epsom Salts	

Any medicine registered under the Proprietary or Patent Medicine Act (Canada) and sold in accordance with its provisions

PART II

Ammonium Chloride	Magnesium Citrate
Beef, Iron & Wine	Magnesium Hydroxide
Carbonate of Magnesia	Oil of Eucalyptus
Cochineal	Phosphate of Soda
Cream of Tartar (Potassium acid tartrate)	Potassium Nitrate (Saltpetre)
Disodium-dibrom-oxymercuri-fluorescin, whether described as "Mercurochrome" or any other trade name, mark or designation, not more than 2%	Rhubarb Root
Essence of Peppermint	Rochelle Salts
Glauber Salt (Sodium Sulphate)	Seidlitz Powders
Hydrogen Peroxide, not more than 3%	Senna
Magnesium Carbonate	Spirit of Aromatic Ammonia
	Spirit of Nitrous Ether
	Sulphur

PART III

Acetylsalicylic Acid whether described as Aspirin, Acetophen or any other trade name mark or designation

Acid Muriatic, commercial

Acid Sulphuric, commercial

Boracic Acid

Calamine Lotion

Camphor Gum

Camphorated Chalk

Camphorated Oil

Chloride of Lime

Chlorinated Lime

Copper Sulphate, when sold as Bluestone
Cresol (Cresylic Acid) or homologues or preparations thereof, when weaker than 5% Cresol

Ferrous Sulphate, when sold as Copperas

Iodine, tincture or solution, not more than 2-1/2%

Nitrobenzol, when in commercial preparations

Solution of Ammonia

Spirit of Camphor

PART IV

Acetone

Anzol or chlorinated derivatives

Carbon Tetrachloride

ether, commercial

Formaldehyde

Tetrachlorethylene

Trichlorethylene

SCHEDULE C

ANAESTHETICS, for ophthalmic or parenteral use

the following:

Benzocaine and its salts
Butacaine and its salts
Cinchocaine (Dibucaine) and its salts
Procaine and its salts
Piperocaine and its salts
Proparacaine and its salts
Tetracaine and its salts
Xylocaine (Lidocaine) and its salts

ANALGESICS, ANTIPYRETICS, ANTIRHEUMATICS

the following:

Acetaminophen
Antipyrine and its salts and derivatives
Codeine phosphate, in preparations which comply with the provisions
of Section 27 of the Narcotic Control Regulations (Canada),
P.C. 1961-1133, as amended
Nonylic acid vanillylamide
Para-aminobenzoate and its salts
Phenacetin
Salicylamide
Salicylic acid and its salts, including
 (a) Choline salicylate
 (b) Diethylamine salicylate
 (c) Monoglycol salicylate
 (d) Triethanolamine salicylate

ANTHELMINTICS

the following:

Piperazine and its salts
Pyrantel pamoate
Pyrvinium pamoate
Thiabendazole

Schedule C (continued)

ANTIANEMICS

the following:

- Liver extract injectable
- Liver extract injectable with other medication
- Liver extract injectable crude
- Liver extract injectable crude with other medication

ANTIASTHMATICS, BRONCHODILATORS

the following:

- Aminophylline
- Choline theophyllinate
- Dyphylline
- Orciprenaline sulphate
- Theophylline sodium aminoacetate
- Theophylline

ANTIBIOTICS

the following:

- Bacitracin and its salts
- Framycetin sulphate
- Polymyxin B sulphate for topical use
- Tyrothricin

ANTIFUNGALS

the following:

- Candicidin
- Nystatin

ANTIHYPERLIPIDEMIC DRUGS

the following:

- Cholestyramine resin

Schedule C (continued)

ANTIEMETICS

the following:

Dimenhydrinate and its salts

Doxylamine and its salts

Pipinhydrinate and its salts

Trimethobenzamide and its salts

ANTISPASMODICS, ANTICHOLINERGICS, MUSCLE RELAXANTS

the following:

Adiphenine

Aminopentamide and its salts

Aminopromazine and its salts

Anisotropine methylbromide

Clidinium bromide

Dicyclomine and its salts

Glycopyrrolate, glycopyrronium bromide

Hexocyclium methylsulphate

Homatropine methylbromide

Isopropamide or its salts or preparations thereof,
containing 2.5 mg. or less per stated dose

Mepenzolate and its salts

Mephenesin

Methantheline and its salts

Methixene and its salts

Methocarbamol

Orphenadrine and its salts

Oxyphencyclimine and its salts

Penthienate and its salts

Propantheline and its salts

Piperidolate and its salts

Schedule C (continued)

ANTISYPHLITICS

the following:

Arsphenamine

Dichlorophenarsine hydrochloride

Neoarsphenamine

Oxophenarsine hydrochloride

Sensitivity discs and tablets used for syphilis tests

Sulpharsphenamine

ANTITOXINS, IMMUNE GLOBULINS, TOXINS, TOXOIDS, VACCINES

All antitoxins, immune globulins, toxins, toxoids, vaccines

DIGESTIVE ENZYMES

the following:

Amylase

Diastase

Lipase

Pancreatin

Pancrelipase

FLORA MODIFIERS

the following:

Lactobacillus acidophilus

GLAUCOMA THERAPEUTIC DRUGS

the following:

Demecarium bromide

Dichlorphenamide

Echothiophate iodide

Isoflurophate

Schedule C (continued)

HEMATINICS

the following:

Iron preparations, in tablet, capsule¹ or liquid form, containing more than 60 mg. of elemental iron per unit dose

Iron preparations, for parenteral use

HORMONES

the following:

Anterior pituitary extracts

Adrenocorticotrophic hormone (ACTH)

Globin insulin with zinc

Insulin

Insulin made from zinc-insulin crystals

Insulin zinc suspension

N.P.H. insulin, Isophane insulin

Protamine zinc insulin

SYMPATHOMIMETICS

the following:

Cyclopentamine and its salts

Ephedrine and its salts

Epinephrine and its salts

Isoproterenol and its salts

Phenylephrine and its salts

Phenylpropanolamine and its salts

Pseudoephedrine and its salts

TRICHOMONACIDES, AMOEBICIDES

the following:

Chloromethyl isopropylphenol

Diiodohydroxyquin

Iodochlorhydroxyquin

Metronidazole

Schedule C (continued)

URINARY ANTI-INFECTIVES, ANALGESICS

the following:

Phenazopyridine hydrochloride

Methenamine and its salts

VASODILATORS

the following:

Cyclandelate

Dipyridamole

Erythrol tetranitrate

Isosorbide dinitrate

Isoxsuprine and its salts

Nicotinyl alcohol tartrate

Nylidrin (Buphenine) and its salts

Pentaerythritol tetranitrate

Tolazoline and its salts

VASOPRESSORS, VASOCONSTRICTORS

the following:

Angiotensin amide

Metaraminol bitartrate

Naphazoline and its salts

Oxymetazoline and its salts

Tetrahydrozoline and its salts

Xylometazoline and its salts

Schedule C (continued)

VITAMINS

the following:

Any preparation containing or represented as containing one or more of the following vitamins that furnishes in each tablet, capsule or other dosage form more than the following amounts, or if the largest recommended daily dosage shown on a label thereof, if consumed, would furnish more than the following amounts,

- (a) 5000 International Units of vitamin A or provitamin A
- (b) 4.5 milligrams of thiamine or vitamin B-1
- (c) 7.5 milligrams of riboflavin or vitamin B-2
- (d) 45 milligrams of niacin or niacinamide
- (e) 3 milligrams of pyridoxine or vitamin B-6
- (f) 15 milligrams of d-pantothenic acid, or vitamin B-3
- (g) 0.1 milligram of folic acid
- (h) 14 micrograms of cyanocobalamin or vitamin B-12
- (i) 150 milligrams of ascorbic acid or vitamin C
- (j) 400 International Units of vitamin D
- (k) 25 International Units of alpha tocopherol or vitamin E
- (l) 0.0 milligrams of menadione or vitamin K
- (m) 0.0 micrograms of biotin
- (n) 150 milligrams of choline
- (o) 0.0 milligrams of inositol
- (p) 0.0 milligrams of para-aminobenzoic acid

ZONULOLYTIC DRUGS

the following:

Alpha Chymotrypsin

MISCELLANEOUS DRUGS

the following:

Benzyl benzoate

Crotamiton

Podophyllin

Potassium salts, coated, in tablet form, containing more than 100 mg. of elemental potassium per tablet

Thiocyanates

Urethane

SCHEDULE D

PART I

Acid Acetic, 33% or stronger
Acid Chromic or its salts
Acid Hydrochloric, except commercial
Acid Nitric
Acid Oxalic
Acid Phosphoric, 10% w/w or stronger
Acid Picric (Trinitrophenol)
Acid Sulphuric, except commercial
Aconite or alkaloids or preparations thereof,
except as provided in Part II of this Schedule
Alkaloids: all poisonous alkaloids, including vegetable alkaloids,
not specifically mentioned elsewhere in these Schedules, or
their salts or all poisonous derivatives thereof
Amyl Nitrite
Antimony or preparations thereof,
except as provided in Part II of this Schedule
Arsenic or its salts or organic compounds or preparations thereof,
except as provided in Part II of this Schedule
Atropine or its salts or preparations thereof,
except as provided in Part II of this Schedule
Barium salts, water soluble, including chloride and sulphide
Belladonna or compounds or preparations thereof,
except as provided in Part II of this Schedule
Cantharides or its derivatives or preparations thereof
Carbon Disulphide
Cedar Oil from leaf or wood,
except as provided in Part II of this Schedule
Chenopodium, the oil, or preparations thereof
Chloroform, except as provided in Part II of this Schedule
Conium or preparations thereof
Cottonroot, the oil, or derivatives or preparations thereof
Copper salts or compounds or preparations thereof,
except as provided in Part II of this Schedule and in Schedule B

Schedule D Part I (continued)

- Cresol (Cresylic Acid) or homologues or preparations thereof,
when stronger than 5% Cresol
- Croton Oil, except as provided in Part II of this Schedule
- Cyanides, except as provided in Part II of this Schedule
- Digitalis or glycosides or derivatives or preparations thereof
- Ether, except commercial
- Ethyl Chloride
- Fluorides, in bulk or in preparations containing more than 1 mg.
fluoride ion per stated total daily dose,
except dentifrices containing fluorides
- Glycosides: all poisonous glycosides, including vegetable glycosides,
not specifically mentioned elsewhere in these Schedules, or
their salts or all poisonous derivatives thereof
- Henna Berries
- Hydrocyanic (Prussic) Acid
- Hyoscyamus or compounds or preparations thereof,
except as provided in Part II of this Schedule
- Hyoscine (Scopolamine) or its salts or preparations thereof,
except as provided in Part II of this Schedule
- Iodine or preparations thereof,
except as provided in Part II of this Schedule and in Schedule B
- Lead salts or preparations thereof
- Lithium or its salts, except as provided in Schedule F
- Lobelia or alkaloids or preparations thereof,
except as provided in Part II of this Schedule
- Mercurial salts, except as provided in Part II of this Schedule
- Mercury or oxides thereof, except as provided in Part II of this Schedule
- Mercury Ammoniated
- Nitrobenzene (when labelled as such or as NITROBENZOL or as OIL of
MIRBANE, and when the label bears the name of the pharmacy in
which the sale is made and the following wording: "POISON - This
chemical is POISONOUS when taken internally, inhaled or in
contact with the skin. HANDLE WITH CARE and avoid skin contact and
inhalation of vapours."), except as provided in Schedule B

Schedule D Part I (continued)

Nitroglycerin, except as provided in Part II of this Schedule
Nux Vomica or preparations thereof,
except as provided in Part II of this Schedule
Oil of Bitter Almonds, unless deprived of Hydrocyanic (Prussic) Acid
Oil of Wintergreen or Methyl Salicylate,
except when in internal preparations solely as a flavouring agent
or in aerosol preparations as a fragrance or in external preparations
containing not more than 5% Methyl Salicylate
Pennyroyal, the oil, or derivatives or preparations thereof
Phenol (Carbolic Acid), except as provided in Part II of this Schedule
Phosphorus, in the free state
Picrotoxin
Potassium Antimonyltartrate (Tartar Emetic),
except as provided in Part II of this Schedule
Potassium Bichromate
Potassium Chlorate, except as provided in Part II of this Schedule
Potassium Hydroxide, except in commercial preparations
Potassium Nitrite
Potassium Permanganate or preparations thereof
Rue, the oil, or derivatives or preparations thereof
Sabadilla or preparations thereof
Santonin, except as provided in Part II of this Schedule
Savin, the oil, or derivatives or preparations thereof
Selenium or its salts or preparations thereof
Sodium Antimonyltartrate, except as provided in Part II of this Schedule
Sodium Chlorate, except as provided in Part II of this Schedule
Sodium Hydroxide, except in commercial preparations
Sodium Nitrite
Strophanthus or preparations thereof
Strychnine or its salts or preparations thereof,
except as provided in Part II of this Schedule
Tansy, the oil, or derivatives or preparations thereof
Yohimbe or alkaloids or preparations thereof

SCHEDULE D

PART II

- Acetanilide, except when not more than 65 mg. per stated dose
- Acid Phosphoric, less than 10% w/w
- Aconite or alkaloids or preparations thereof, in external preparations containing less than 0.2% aconitine
- Antimony or its salts, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations
- Arsenic or its salts or organic compounds, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations
- Atropine or its salts, in internal preparations containing not more than 0.13 mg. per stated dose or in other preparations containing not more than 0.1% by weight
- Belladonna or compounds or preparations thereof, when combined with other medicinal ingredients in recognized therapeutic dosage forms, including plasters, and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations
- Bromides or their salts or compounds or derivatives thereof
- Cedar Oil from leaf or wood, for external use when combined with other medicinal ingredients and when in strengths not exceeding those recognized as safe medication in any publication named in the Regulations
- Chloroform, when in internal preparations as a therapeutic ingredient and not as a preservative
- Colchicum or Colchicine
- Copper salts or compounds, except in trace amounts, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations, and when combined in preparations used as diagnostic aids
- Creosote or preparations thereof
- Croton Oil, for external use when combined with other medicinal ingredients and when in strengths not exceeding those recognized as safe medication in any publication named in the Regulations
- Cyanides, the complex salts thereof, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations

Schedule D Part II (continued)

Ephedrine or its salts, except when in inhalant form or in internal preparations containing not more than 11 mg. per stated dose

Guaiacol, except when in internal preparations as a therapeutic ingredient

Homatropine or its salts or preparations thereof

Hyoscyamus or compounds or preparations thereof, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations

Hyoscine (Scopolamine) or its salts, in internal preparations containing not more than 0.325 mg. per stated dose or in inhalant preparations containing not more than 0.05% by weight

Iodides, their salts or compounds, except in trace amounts

Iodine, in strengths less than 10%, when in solution or when combined with other medicinal ingredients in recognized therapeutic dosage forms

Iodoform

Mercurous Chloride (Calomel)

Mercury with Chalk

Mercury (Blue) Ointment

Nitroglycerin, in tablet form

Nux Vomica or preparations thereof, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations

Phenol (Carbolic Acid), in preparations under 5%

Potassium Antimonyltartrate (Tartar Emetic), when in internal preparations as a therapeutic ingredient containing not more than 3.3 mg. per stated dose

Potassium Chlorate, in tablet or lozenge form not exceeding 325 mg. per stated dose or in liquid form not exceeding 2.5%

Rubbing Alcohol Compound

Santonin, when in internal preparations as a therapeutic ingredient containing not more than 65 mg. per stated dose

Silver salts or preparations thereof

Sodium Antimonyltartrate, when in internal preparations as a therapeutic ingredient containing not more than 3.3 mg. per stated dose

Sodium Chlorate, in tablet or lozenge form not exceeding 325 mg. per stated dose or in liquid form not exceeding 2.5%

Stavesacre

Strychnine or its salts, when combined with other medicinal ingredients in recognized therapeutic dosage forms and when in doses not exceeding those recognized as safe medication in any publication named in the Regulations

Zinc salts, except in trace amounts

SCHEDULE E

Carbimazole
Deanol
Diaminodiphenylsulfone or its analogues or derivatives
Dimethyl Sulphoxide
Isopropamide or its salts or preparations thereof, containing more than
2.5 mg. per stated dose
Metaxalone
Methimazole
Methoxsalen
Narcotine (Noscapine) or preparations thereof, containing more than
30 mg. per stated dose
Papavarine
Paromomycin
Pipamazine
Ristocetin
Stramonium

SCHEDULE F

PART I

Those drugs contained in Part I of Schedule F to the Food and Drug Regulations (Canada)

PART II

Those drugs contained in Part II of Schedule F to the Food and Drug Regulations (Canada) and any vitamin or vitamin preparation required to be sold on prescription by the Food and Drug Regulations (Canada)

SCHEDULE G

PART I

Those drugs contained in Schedule G to the Food and Drugs Act (Canada) other than those defined as controlled drug preparations

PART II

Those drugs contained in Schedule G to the Food and Drugs Act (Canada) which are defined as controlled drug preparations

SCHEDULE N

PART I

Those drugs contained in the Schedule to the Narcotic Control Act (Canada) other than those defined as oral prescription narcotics, or preparations meeting the requirements of Section 27 of the Narcotic Control Regulations (Canada), P.C. 1961-1133, as amended

PART II

Those drugs contained in the Schedule to the Narcotic Control Act (Canada) which are defined as oral prescription narcotics

PART
RELATING TO
PHYSIOTHERAPY

Part relating to Physiotherapy

1. In this Part

Interpre- tation

- (a) "Board" means the¹ Health Disciplines Board;
- (b) "by-laws" mean the by-laws made under this Part;
- (c) "College" means the College of Physiotherapists;
- (d) "Council" means the Council of the College;
- (e) "member" means a member of the College;
- (f) "physiotherapist" means a member of the College engaged in the practice or profession of physiotherapy;
- (g) "practice of physiotherapy" means physical therapy and includes the science and art of assessing, treating and training persons afflicted with ill health, disease, or physical handicap and others who may benefit from such treatment or training by the selection of the appropriate physical agent or modality for such treatment or training, in order to enable them to regain the maximum function of which they are capable by use of:
 - (i) therapeutic exercise, massage and manipulation;
 - (ii) thermal, mechanical or electrical energy;
 - (iii) hydrotherapy.
- (h) "referral" means a signed request in writing by a duly qualified medical practitioner to a physiotherapist for treatment of a named patient;
- (i) "Register" means the register as provided in the regulations made under this Part;
- (j) "Registrar" means the Registrar of the College;
- (k) "registration" means the listing of members on a Register and for the purposes of this Part includes licensing;
- (l) "Regulations" mean the regulations made under this Part

establish-
ment of the
College

2.-(1) The College of Physiotherapists hereinafter called the College, is established as a corporation without ~~state~~ capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

jects

- 3.-(1) The objects of the College are
- (a) to regulate the practice of physiotherapy and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
 - (b) to establish, maintain and develop standards of knowledge and skill among its members;
 - (c) to establish, maintain and develop standards of qualification and practice for the practice of physiotherapy;
 - (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.
- (2) The College is the successor to the Board of Directors of Physiotherapy established under The Drugless Practitioners Act and shall obtain the benefit of and be bound by all rights, actions, real and personal property and all other rights and liabilities vested in the Board upon the date this Part comes into force.
- (3) Every person registered as a physiotherapist under The Drugless Practitioners Act immediately prior to the coming into force of this Part is a member of the College.

Membership
in the
College

4.-(1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.

(2) Membership is terminated

(a) during any period that the member's name has been erased or suspended from the register;

(b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.

(3) A member is in good standing if

(a) he holds a current valid certification of registration under this Act;

(b) he is not indebted to the College;

(c) his professional conduct is not at that time subject to disciplinary charge or injury by the discipline committee or inquiry as to his mental or physical capacity.

(4) A Council or the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
the College

5.-(1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.

(2) The Council shall be composed as follows:

(i) eleven members of the College;

(ii) three lay members to be appointed by the Lieutenant Governor in Council.

(3) For the first Council the members referred to in subsection (2)(i) shall be appointed by the Minister of Health, three of whom shall be nominated by the Board of Directors of Physiotherapy, two of whom shall be nominated by the Ontario Society of Physiotherapy and five of whom shall be nominated by the Canadian Physiotherapy Association, all of whom shall be persons eligible to be registered under this Part.

(4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.

(5) The Council shall elect a President and Vice-President from among its members.

(6) The Council shall appoint during pleasure a Registrar, and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.

6.-(1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.

(2) The Council shall establish and maintain such registers as the Council considers may be required and may publish a list of those registered.

eral
ers of
Council

Relationship
of College
to Board

7. The Board may
- (a) review the activities of the Council;
 - (b) request the Council to undertake activities that are necessary and advisable to carry out the intent of the Act and require the Council to perform its obligations under the Act and the Part;
 - (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
 - (d) call meetings with the Council or any committee thereof;
 - (e) advise or guide the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
 - (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
 - (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
 - (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Regulations

8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,
- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
 - (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of

- memberships, the resignation of members and the readmission of former members;
- (3) prescribing the requirements for admission to practice;
 - (4) prescribing the manner of registering and re-registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
 - (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration, and the conditions and qualification required to do such examinations;
 - (6) prescribing standards of practice for the profession;
 - (7) defining professional misconduct for the purposes of this Part;
 - (8) prescribing requirements for continuing education of members;
 - (9) respecting the duties and authority of the Registrar;
 - (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
 - (11) defining conflicts of interest respecting members;
 - (12) respecting the reporting and publication of decisions in disciplinary matters;
 - (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of physiotherapy;
 - (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
 - (15) prescribing the fees for registration, renewal of registration, examination and certificates of registration.

By-laws

9.-(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act, and the Regulations, and without limiting the generality of the foregoing:

- (a) prescribing the seal of the College;
- (b) providing for the execution of documents by the College;
- (c) respecting banking and finance;
- (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
- (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
- (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
- (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
- (i) providing for the appointment of and prescribing the remuneration of the Registrar;
- (j) prescribing forms and providing for their use;
- (k) providing procedures for the making, amending and revoking of the by-laws;
- (l) respecting management of the property of the College;
- (m) respecting the application of the funds for College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

- (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;
 - (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.
- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
- (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

Establishment
Committees

10. The Council shall appoint from among its members the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline.

Executive
Committee

11. (1) The Executive Committee shall be composed of
- (a) the President, who shall be Chairman of the Committee;
 - (b) the Vice-President;
 - (c) three members of the Council, one of whom may be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) A majority of the members constitutes a quorum.
- (3) The Committee may deal with matters referred by Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing policy to remain in effect only until

after the next ensuing session of the Council unless confirmed at this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

Registration
Committee

- 12.(1) The Registration Committee shall be composed of three members of Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council, and one member of the College appointed annually by the Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) Three members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may:
 - (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in Section 9, of Part 1 of this Act.

omplaints
committee

- 13.(1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council, and one member of the College appointed annually by the Council.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the committee to be Chairman.
- (4) Two members constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents in its possession relating to the complaint;

- (d) the member whose conduct is being investigated is permitted, if he so requests, to appear before the Committee to give oral evidence on his behalf.
- (6) The Committee in accordance with its findings may direct that,
 - (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.
- (9) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline
Committee

- 14.(1) The Discipline Committee shall be composed of three members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.

- (2) Two members of the Committee constitute a quorum.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.
- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct as prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a

nature to a degree or extent that renders him unfit to continue in practice.

15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,

- (a) inquire into charges of professional misconduct or incompetence against any member;
- (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
- (c) perform such other duties as are assigned to it by the Council.

(2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the charge, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
- (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
- (d) determine the sanction to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

(3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

- (a) direct the Registrar to erase the name of the member from the register on which he is registered;
- (b) suspend the member for a stated period from the register on which he is registered;

- (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;
 - (d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (e) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.

17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.

(2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.

(3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.

Unauthorized
practice

18. (1) Every person practising physiotherapy shall be registered under this Part and if any person not so registered practises or professes to practise physiotherapy or advertises to practise physiotherapy, he is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

(2) Subsection 1 does not apply to,

(a) the rendering of first aid or temporary assistance in cases of emergency;

(b) any person registered under another Part or any Act relating to the treatment of human ailments to the extent that the actions or conduct in question of that person is within the scope of practice authorized in that Part or Act.

(3) Proof of one offence is sufficient to establish practice.

- (4) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for a second offence to a fine of not more than \$2,000 or six months imprisonment or both.

19.(1) Any person not registered under this Part who assumes, uses or employs the title physiotherapist or any affix or prefix indicative of such a title is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.

(2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for a second offence to a fine of not more than \$2,000.

20. Any fines payable for offences under this Part shall be paid to the Crown.

21. A physiotherapist shall only treat a patient upon referral and any physiotherapist failing to do so shall be considered in contravention of this Part and subject to the penalties under Section 18(4).

22. Regulation 233 and section 3 of Regulation 229 of The Revised Regulations of Ontario 1970 made under The Drugless Practitioners Act is repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.

PART
RELATING TO
PODIATRY

Part relating to Podiatry

ntre-
pretation

1. In this Part

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" mean the by-laws made under this Part;
- (c) "College" means the College of Podiatrists;
- (d) "Council" means the Council of the College;
- (e) "member" means a member of the College;
- (f) "practice of podiatry" means,
 - (i) the diagnosis, and medical, physical and surgical treatment of, and prescribing for, the ailments, diseases, defects and disabilities of the human foot, and, for the purposes of treatment of such localized area only, includes the non-surgical treatment of structures and tissues of the lower leg; but shall not include the right to use x-ray for the purposes other than diagnostic nor use anaesthetics other than local;
 - (ii) the casting of feet for the purpose of preparing or prescribing corrective appliances, prosthetics and the making of custom shoes for corrective treatment, and the fitting, building, or otherwise furnishing pads, inserts, appliances, inlays, splints, or supports;and for the purposes of this Part includes chiropody;
- (g) "podiatrist" means a member of the College engaged in the practice or profession of podiatry;
- (h) "Register" means the register as provided in the regulations made under this Part;
- (i) "Registrar" means the Registrar of the College;
- (j) "registration" means the listing of members on a Register and for the purposes of this Part includes certification;
- (k) "Regulations" mean the regulations made under this Part.

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2. The College of Podiatrists hereinafter called the College, is established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

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3. (1) The objects of the College are
- (a) to regulate the practice of podiatry and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
 - (b) to establish, maintain and develop standards of knowledge and skill among its members;
 - (c) to establish, maintain and develop standards of qualification and practice for the practice of podiatry;
 - (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.
- (2) The College is the successor to the Board of Regents, The Chiropody Act, established under The Chiropody Act and shall obtain the benefit of and be bound by all rights, actions, real and personal property and all other rights and liabilities vested in the Board upon the date this Part comes into force;
- (3) Every person registered as a podiatrist under The Chiropody Act immediately prior to the coming into force of this Part is a member of the College.

Membership 4.
College

- (1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.
- (2) Membership is terminated⁴
 - (a) during any period that the member's name has been erased or suspended from the register;
 - (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.
- (3) A member is in good standing if
 - (a) he holds a current valid certification of registration under this Act;
 - (b) he is not indebted to the College;
 - (c) his professional conduct is not at that time subject to disciplinary charge or inquiry by the discipline committee or inquiry as to his mental or physical capacity.
- (4) A Council of the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
College

5. (1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.
- (2) The Council shall be composed as follows:
 - (i) five members of the College;
 - (ii) two lay persons to be appointed by the Lieutenant Governor in Council;

- (3) For the first Council the members referred to in subsection (2)(i) shall be appointed by the Minister of Health, two of whom shall be nominated by the Board of Regents, The Chiropody Act, two of whom shall be nominated by the Ontario Podiatry Association, all of whom shall be persons eligible to be registered under this Part.
 - (4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.
 - (5) The Council shall annually elect a President and Vice-President from among its members.
 - (6) The Council shall appoint during pleasure a Registrar and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.
6. (1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.
- (2) The Council shall establish and maintain such registers as the Council considers may be required and shall publish a list of those registered.

Relationship
College
Board

7. The Board may

- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

Regulations

8. Subject to the approval of the Lieutenant Governor in Council and

with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the readmission of former members;

- (3) prescribing the requirements for admission to practice;
- (4) prescribing the manner of registering and re-registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;
- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of podiatry;
- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration, re-registration and examination.

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9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act and the Regulations, and without limiting the generality of the foregoing:
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
 - (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
 - (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
 - (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
 - (i) providing for the appointment of and prescribing the remuneration of the Registrar;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the College;
 - (m) respecting the application of the funds for the College and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
 - (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;

- (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

(2) A copy of the By-laws made under subsection 1, as amended from time to time,

(a) shall be forwarded to the Health Disciplines Board; and

(b) shall be available for public inspection in the office of the College.

establis-
ment of
committees

10. The Council shall appoint from among its members the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline.

Executive
Committee

11. (1) The Executive Committee shall be composed of

- (a) the President, who shall be Chairman of the Committee;
- (b) the Vice-President;
- (c) one member of the Council, who may be a member appointed to the Council by the Lieutenant Governor in Council.

(2) A majority of the members constitutes a quorum.

(3) The Committee may deal with matters referred by the Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing

policy to remain in effect only until after the next ensuing session of the Council unless confirmed at this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

Regis-
tration
Committee

- 12, (1) The Registration Committee shall be composed of all the members of the Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may
- (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the Committee to be Chairman.
- (4) Two members of the Committee constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if he so requests to appear before the Committee to give oral evidence on his behalf.

(6) The Committee in accordance with its findings may direct that,

- (a) no hearing be held in the case by the Discipline Committee; or
- (b) the matter be referred, in whole or in part, to the Discipline Committee; or
- (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.

(7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.

(8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.

(9) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

Discipline Committee

14. (1) The Discipline Committee shall be composed of three members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.

(2) Two members of the Committee constitute a quorum.

(3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.

- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the sanctions herein-after provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature to a degree or extent that renders him unfit to continue in practice.

15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,
 - (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.
- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,
 - (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;

(d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;

(e) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.

(4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.

(5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.

16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.

17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order¹ for erasure or suspension was made, to have his name restored or the suspension terminated.
- (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
- (3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.

Unauthorized
practice

18. (1) Every person practising podiatry shall be registered under this Part and if any person not so registered practises or professes to practise podiatry or advertises to practise podiatry, he is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (2) Subsection 1 does not apply to
- (a) the rendering of first aid or temporary assistance in cases of emergency;
 - (b) any person registered under another Part or any Act relating to the treatment of human ailments to the extent that the actions or conduct in question of that person is within the scope of practice authorized in that Part or Act.

- (3) Proof of one offence is sufficient to establish practice;
 - (4) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for a second offence to a fine of not more than \$2,000, or to imprisonment of not more than six months or both.
- f 19. (1) Any person not registered under this Part who assumes, uses or employs the title "podiatrist or chiropodist" or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
- (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for the second offence to a fine of not more than \$2,000.
20. Any fines payable for offences under this Part shall be paid to the Crown.
21. The Chiropody Act is repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.

PART
RELATING TO
RADIOLOGY TECHNOLOGY

Part relating to Radiology Technology

Inter-
pretation

1. In this Part

- (a) "Board" means the Health Disciplines Board;
- (b) "by-laws" mean the by-laws made under this Part;
- (c) "College" means the College of Radiological Technicians;
- (d) "Council" means the Council of the College;
- (e) "member" means a member of the College;
- (f) "practice of radiology technology means the technical aspects of the medical use of ionizing radiation, including Roentgen or x-rays, radium, radioactive isotopes and particles for diagnosis or treatment;
- (g) "radiological technician" means a member of the College engaged in the practice or profession of radiology technology;
- (h) "radiologist" means a legally qualified medical practitioner who holds a specialist certification in diagnostic or therapeutic radiology from the Royal College of Physicians and Surgeons of Canada;
- (i) "Register" means the register as provided in the regulations made under this Part;
- (j) "Registrar" means the Registrar of the College;
- (k) "registration" means the listing of members on a Register and for the purposes of this Part includes certification;
- (l) "Regulations" means the regulations made under this Part.

2. The College of Radiological Technicians hereinafter called the College, is established as a corporation without share capital with authorization for the purpose of this Act to acquire, to hold and to dispose of real and personal property, to borrow upon security of the same and to enjoy all powers of a corporation under The Corporations Act, 1970.

3.(1) The objects of the College are

- (a) to regulate the practice of radiology technology and to govern the profession in accordance with the Act, this Part, the Regulations, and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the practice of radiology technology;
- (d) to establish, maintain and develop standards of professional ethics among its members in order that the public interest may be served and protected.

(2) The College is the successor to the Board of Radiological Technicians established under The Radiological Technicians Act and shall obtain the benefit of and be bound by all rights, actions, real and personal property and all other rights and liabilities vested in the Board upon the date this Part comes into force;

(3) Every person registered as a radiological technician under The Radiological Technicians Act immediately prior to the coming into force of this Part is a member of the College.

Membership
in the
College

4. (1) All persons registered by the College will be members of the College subject to any restriction or condition related to the register on which they are listed.
- (2) Membership is terminated
- (a) during any period that the member's name has been erased or suspended from the register;
- (b) on filing with the Registrar the member's resignation in writing provided he is then in good standing but subject to the continuing jurisdiction of the College in respect to any disciplinary action arising out of his professional conduct while registered.
- (3) A member is in good standing if
- (a) he holds a current valid certification of registration under this Act;
- (b) he is not indebted to the College;
- (c) his professional conduct is not at that time subject to disciplinary charge or inquiry by the discipline committee or inquiry as to his mental or physical capacity.
- (4) A Council of the Executive Committee may authorize the acceptance of the resignation of a member who is not in good standing if in its opinion the circumstances warrant acceptance.

Council of
the College

5. (1) There shall be established a Council which shall be the governing body of the College and manage and administer its affairs.
- (2) The Council shall be composed as follows:
- (i) six members of the College;
- (ii) two lay persons to be appointed by the Lieutenant Governor in Council;

- (iii) two radiologists recommended by the Section of Radiology of the Ontario Medical Association;
- (3) For the first Council the members referred to in subsection 2(i) shall be appointed by the Minister of Health, three of whom shall be nominated by the Board of Radiological Technicians, two of whom shall be nominated by the Ontario Society of Radiological Technicians, all of whom shall be persons eligible to be registered under this Part.
- (4) Every member in good standing who is registered on the register is qualified to vote at an election of members of Council.
- (5) The Council shall annually elect a President and Vice-President from among its members.
- (6) The Council shall appoint during pleasure a Registrar and such other officers as may from time to time be necessary in the opinion of the Council to perform the work of the College.
6. (1) The Council shall propose changes in legislation, regulations and make by-laws which it requires for the proper performance of its duties in order that the public interest be served and protected.
- (2) The Council shall establish and maintain such registers as the Council considers may be required and shall publish a list of those registered.

Relationship
College
to Board

7. The Board may

- (a) review or supervise the activities of the Council;
- (b) request or require the Council to undertake activities that are necessary and advisable to carry out the intent of this Act;
- (c) require the Council to provide such reports and information as the Board requires for its purposes including information from the register of the College;
- (d) call meetings with the Council or any committee thereof;
- (e) advise, guide or direct the Council with respect to the implementation of their legislation and regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce regulations and procedures;
- (f) review or comment on proposals by the Council for changes in legislation or regulations of concern to the Council and the Board shall forward such proposals to the Minister together with its recommendations;
- (g) consider the by-laws of the Council and provide advice and guidance to the Council with respect to the proposed implementation or revision of such by-laws;
- (h) request or require the Council to make regulations respecting any of the matters specified in its applicable Part where the Council has failed to make such regulations.

regulations

8. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Board, the Council may make regulations,

- (1) respecting and governing the procedure for nomination, election and term of office of the members to be elected or appointed to the Council, holding by-elections to fill vacancies on the Council and respecting controverted elections;
- (2) respecting any matter ancillary to the provisions of this Act with regard to the admission of members, the cancellation of memberships, the resignation of members and the readmission of former members;

- (3) prescribing the requirements for admission to practice;
- (4) prescribing the manner of registering and re-registering those admitted to practice, including qualifications that may be registered, and providing for the maintenance and inspection of registers of persons permitted to practise;
- (5) authorizing the Council to set, conduct or arrange for examinations including examinations for re-registration;
- (6) prescribing standards of practice for the profession;
- (7) defining professional misconduct for the purposes of this Part;
- (8) prescribing requirements for continuing education of members;
- (9) respecting the duties and authority of the Registrar;
- (10) regulating and controlling the use of terms, titles or designations that may be used by groups or individual members or associations of members in respect to their practices;
- (11) defining conflicts of interest respecting members;
- (12) respecting the reporting and publication of decisions in disciplinary matters;
- (13) providing for the compilation of statistical information on the supply, distribution and professional activities of members and requiring members to provide the information necessary to compile such statistics, for any purpose that may tend to advance scientific knowledge and maintain the standards of practice of radiology technology;
- (14) respecting any other matter which may be required to enable the Council to manage and administer adequately the affairs of the College;
- (15) prescribing the fees for registration, re-registration and examination.

laws

9. (1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with the Act and the Regulations, and without limiting the generality of the foregoing:
- (a) prescribing the seal of the College;
 - (b) providing for the execution of documents by the College;
 - (c) respecting banking and finance;
 - (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
 - (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in these offices, and prescribing the duties of the President and Vice-President;
 - (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
 - (g) prescribing the remuneration of the members of the Council and Committees and providing for the payment of necessary expenses of the Council and Committees in the conduct of their business;
 - (h) providing for the appointment, composition, powers and duties of additional or special committees as may be required;
 - (i) providing for the appointment of and prescribing the remuneration of the Registrar;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the College;
 - (m) respecting the application of the funds for the College and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
 - (n) respecting membership of the College in a national organization with similar objects, the payment of an annual assessment and provision for representatives at meetings;

- (o) respecting all of the things that are deemed necessary for the attainment of the objects of the College and the efficient conduct of its affairs.
- (2) A copy of the By-laws made under subsection 1, as amended from time to time,
 - (a) shall be forwarded to the Health Disciplines Board; and
 - (b) shall be available for public inspection in the office of the College.

Establish-
ment of
committees

10. The Council shall appoint from among its members the following committees:

- (1) Executive
- (2) Registration
- (3) Complaints
- (4) Discipline.

Executive
Committee

11. (1) The Executive Committee shall be composed of

- (a) the President, who shall be Chairman of the Committee;
- (b) the Vice-President;
- (c) one member of the Council, who may be a member appointed to the Council by the Lieutenant Governor in Council.

- (2) A majority of the members constitutes a quorum.
- (3) The Committee may deal with matters referred by the Council, refer cases to the Discipline Committee and consider and take action upon any other matter as may require immediate attention between meetings of the Council, any decision respecting a matter of continuing

policy to remain in effect only until after the next ensuing session of the Council unless confirmed at this session; but the Committee has no power to alter, suspend or repeal any by-laws of the Council.

Regis-
tration
Committee

12. (1) The Registration Committee shall be composed of all the members of the Council.
- (2) The Council shall name one member of the Committee to be Chairman.
- (3) A majority of the members constitutes a quorum.
- (4) The Committee shall consider and decide upon applications for exemption from admission requirements for membership.
- (5) The Registration Committee, in accordance with its findings, may
 - (a) admit the applicant to any examinations or the Register or both, upon payment of required fees; or
 - (b) prescribe conditions to be met by the applicant to establish eligibility for admission to examinations or a Register or both; or
 - (c) propose to refuse the applicant to an examination or the Register or both.
- (6) The Registration Committee shall prepare a report of each decision or proposed decision with reasons and submit this to the Registrar, and a copy of the decision or proposed decision and reasons shall be mailed to the applicant.

- (7) Where the Registration Committee proposes to refuse to admit an applicant to the Register, the applicant may request a hearing before the Health Disciplines Board as provided in section 9 of Part 1 of this Act.

Complaints
Committee

13. (1) The Complaints Committee shall be composed of three members of the Council, one of whom is a member appointed to the Council by the Lieutenant Governor in Council.
- (2) No member of the Complaints Committee shall be a member of the Discipline Committee.
- (3) The Council shall name one member of the Committee to be Chairman.
- (4) Two members of the Committee constitutes a quorum.
- (5) The Complaints Committee shall consider complaints or reports regarding the conduct or actions of any member, but no action shall be taken by the Committee unless,
- (a) a written complaint or report has been filed with the College and a member whose conduct or actions are being investigated has been notified;
 - (b) the member whose conduct is being investigated has been given two weeks prior notice of the time the Committee will be considering the matter and he may submit in writing to the meeting of the Committee any explanations or representations he may wish to make concerning the matter;
 - (c) the Committee has examined all records and other documents relating to the complaint;
 - (d) the member whose conduct is being investigated is permitted, if he so requests to appear before the Committee to give oral evidence on his behalf.

- (6) The Committee in accordance with its findings may direct that,
- (a) no hearing be held in the case by the Discipline Committee; or
 - (b) the matter be referred, in whole or in part, to the Discipline Committee; or
 - (c) take such action as it deems appropriate in the circumstances and that is not inconsistent with this Part or the Regulations or the by-laws.
- (7) The Committee shall give its decision and its reasons in writing to the Registrar, and a copy shall be mailed to the member whose conduct is being investigated and to the person complaining or reporting in respect to the conduct or action of the member.
- (8) The person complaining or reporting may request a review of the decision of the Committee by the Health Disciplines Board as provided in section 6 of Part 1 of this Act.
- (9) Notwithstanding subsection 6, the Council and the Executive Committee shall have authority to direct that an inquiry be made by the Discipline Committee into any alleged professional misconduct or incompetence on the part of a member.

ipline
mittee

14. (1) The Discipline Committee shall be composed of four members of Council, one of whom shall be a member appointed to the Council by the Lieutenant Governor in Council.
- (2) Three members of the Committee constitute a quorum.
- (3) Where there is a vacancy in the membership of the Committee, Council shall appoint another of its members to complete the term of appointment.

- (4) The Council shall name one of the members as Chairman.
- (5) The Discipline Committee shall, when so directed by the Complaints Committee, the Council or the Executive Committee, hold a hearing into charges respecting professional misconduct or incompetence of a member.
- (6) A member of the College who is alleged to be guilty of professional misconduct or incompetence is subject to disciplinary action and liable to the sanctions hereinafter provided.
- (7) A member may be found guilty of professional misconduct by the Committee if,
 - (a) the member has been found guilty of an offence under indictment or guilty of an offence relating to professional practice, upon indictment or summary conviction, upon proof of such conviction;
 - (b) if he has been guilty in the opinion of the Discipline Committee of professional misconduct or non-compliance with the provisions of the Code of Ethics prescribed in the Regulations.
- (8) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient or patients lack of knowledge, skill or judgment or disregard for the welfare of such patient or patients of a nature to a degree or extent that renders him unfit to continue in practice.

15. (1) The Discipline Committee shall, when so directed by the Council, Executive Committee or Complaints Committee,
 - (a) inquire into charges of professional misconduct or incompetence against any member;
 - (b) inquire into and report to the Council upon an application by a former member to have his name restored to a Register; and
 - (c) perform such other duties as are assigned to it by the Council.
- (2) In the case of hearings into charges of professional misconduct or incompetence, the Discipline Committee shall,
 - (a) consider the charge, hear the evidence and ascertain the facts of the case;
 - (b) determine whether upon the evidence and the facts so ascertained the charge has been proved;
 - (c) determine whether in respect of the charge so proved the member is guilty of professional misconduct or incompetence;
 - (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.
- (3) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,
 - (a) direct the Registrar to erase the name of the member from the register on which he is registered;
 - (b) suspend the member for a stated period from the register on which he is registered;
 - (c) impose restrictions or controls on the member in such a manner or for such a period as the Committee may designate;

- (d) direct that the member be reprimanded, and if deemed warranted, that the fact of such reprimand be recorded on the register;
 - (e) direct that the imposition of a sanction be postponed for such period and upon such terms as the Committee may designate.
- (4) Where the Discipline Committee finds the member guilty of incompetence, and the member appeals from the decision, the order of the Discipline Committee shall remain in effect only until the final determination of the case upon appeal.
- (5) Where the Discipline Committee finds a member guilty of professional misconduct, the Registrar shall not make an erasure or entry until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, provided that the entry may be made after the expiration of six months from the date of the order appealed from.
16. Where the Discipline Committee finds a member guilty of professional misconduct or incompetence the Committee shall give its decision and reasons in writing and a copy of the decision and reasons shall be mailed to the member and to the persons complaining or reporting in respect to the conduct or action of the member.

17. (1) A former member whose name has been erased or suspended indefinitely may apply in writing to the Registrar but not less than twelve months from the date upon which the order for erasure or suspension was made, to have his name restored or the suspension terminated.
 - (2) The Registrar shall refer the application to the Discipline Committee, which shall hold a hearing respecting the application, and report its decision and reasons to the Council and to the former member.
 - (3) Notwithstanding the above provisions of this section, the Council or the Executive Committee may restore the applicant to the register without referral to the Discipline Committee.
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18. (1) Any person not registered under this Part who assumes, uses or employs the title "radiological technician" or any affix or prefix indicative of such titles is guilty of an offence and on summary conviction is liable to the penalties hereinafter provided.
 - (2) Any person convicted of an offence under this section is liable for the first offence to a fine of not more than \$2,000, for the second offence to a fine of not more than \$2,000.

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19. Any fines payable for offences under this Part shall be paid to the Crown.
20. The Radiological Technicians Act is repealed on the day this Part is proclaimed in force by the Lieutenant Governor in Council.

